

*A Letter on the Principles of Justness and  
Decency, Containing a Defence of the Treatise  
De Cive of the Learned Mr Hobbes*

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*A Letter on the Principles of Justness  
and Decency, Containing a Defence of  
the Treatise De Cive of the  
Learned Mr Hobbes*

Lambert van Velthuysen

*Edited and translated by*  
Malcolm de Mowbray

*With an introduction by*  
Catherine Secretan



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## TRANSLATOR'S PREFACE

If a variety of motives may impel an author to publish an original work, a translator usually has but one: to make the text more accessible to a wider audience and thereby, it is hoped, better known. Before discussing individual aspects of the translation, it therefore seems necessary to address the question of why one would bother to translate it in the first place. After all, Lambert van Velthuysen is hardly a name that would figure in any canon of great philosophers, and the *Epistolica dissertatio de principiis justitiae et decori*, probably his most famous work, is scarcely known outside a few specialists in the field of Dutch seventeenth-century philosophy. Surely, if the work is so little known and its author has sunk into such obscurity, there must be a good reason.

In the first place, it has to be admitted that, if not entirely deserved, the obscurity of the work is in part self-inflicted. The epistolary form required a formal and highly embellished rhetorical style that frequently makes the philosophical arguments difficult to follow. This is further exacerbated by a certain youthful enthusiasm, and even excessive showing off, in the use of many obscure constructions and highly artificial word order, with the result that many are put off reading the work. That, however, together with the relative scarcity of copies of the text, provides the first good reason for translating it, since without a better understanding of the work it is impossible to judge the true value of Van Velthuysen's contribution to seventeenth-century moral philosophy and thus of his importance or otherwise to the history of the field.

Yet there are more positive reasons for translating this work. Again it must be admitted that, in most cases, interest in the *Epistolica dissertatio* arises not because of the work itself or its author, but because of its association with Thomas Hobbes. Indeed, it was probably ever thus. As Van Velthuysen was told, including the name of Hobbes in the title would sell more books.<sup>1</sup> The frequent mentions of his name at the beginning of the text show that Van Velthuysen was to some extent riding on the back of Hobbes's already established notoriety. The precise nature of Van Velthuysen's assimilation of Hobbes's philosophy will be dealt with in more detail by Catherine Secretan

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<sup>1</sup> See the letter from Etienne de Courcelles in the Introduction, p. 1, n. 2 below.

in the Introduction. In the present context, however, it is worth pointing out that both the nature and the extent of the Dutch reception of Hobbes are matters that have received little attention and are still poorly understood.

It is well known that around the middle of the seventeenth century the Netherlands were highly receptive to the new philosophies that were then being produced. Most attention, however, has focused on Cartesianism. That in itself is not surprising—Descartes was openly taught in the universities, resulting in trouble among the students, the reaction of the authorities and the annoyance of Descartes, with the consequence that we have a considerable amount of evidence concerning the effects of the introduction of his philosophy. It is also probably true to say that the reception of Hobbes was itself a phenomenon of Dutch Cartesianism—Descartes had placed Ethics as one of the three main branches of his ‘tree of philosophy’, but had manifestly failed to produce a moral philosophy, and it seems clear that, in the Netherlands at least, Hobbes provided that missing branch.

In contrast, Politics was rarely taught in the Dutch universities, so that there was little occasion to mention Hobbes’s name, and it is all too easy to miss his presence. He did, however, make a considerable impact in the Netherlands, and possibly even had his greatest success there. The *Epistolica dissertatio* is clearly the product of a society in which Hobbes was being much discussed. The work contains numerous references to the controversies being generated by *De cive*, which together with the letter of de Courcelles show that the work was being widely debated by both students and the general public. This in turn would give rise to an impressive body of original political thought that drew heavily upon Hobbes’s ideas and of which the present work was the first example.

Hobbes’s influence also went far beyond political philosophy following the publication of *Leviathan*. Such themes as the use of reason in interpreting Scripture, the authorship of the Pentateuch, the earthly location of paradise and the nature of the devil, so widespread in the second half of the seventeenth century and usually placed under such headings as ‘radical Cartesianism’ or ‘Spinozism’, are in fact typically Hobbesian and were identified as such as early as 1656, well before *Leviathan* was translated into Dutch.<sup>2</sup>

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<sup>2</sup> ‘Thomas Hobbes Engels-man / diens naem de Cartesianen in hare schriften dichmael spellen / heeft noch een bysondere nieuwe Philosophie / die in verscheide stucken de Cartesiaensche tegen-loopt / en met sich sleept veel profane leeringen: namelijk / dat de Engelen niet en sijn geestelicke substantien van Godt geschapen, maer geestelicke ingevingen en inbeeldingen: Dat Moses niet en is de Schryver van de vijf eerste boecken: Dat het eeuwich leven sal op aerde te Jerusalem sijn; en oock de Hel op aerde: De Satan een aerds vyandt

Hobbes's influence extended even to the style of argumentation used by his Dutch followers, especially the close attention to individual words and their definitions, visible not only in philosophical treatises but also in the 'radical' dictionaries that were produced at the time.<sup>3</sup>

Van Velthuysen belongs to an earlier and less radical phase of the Dutch reception of Hobbes, but shared with both the later writers and the general public a keen interest in theology. He made use of Hobbes without naming him in his first published work, a defence of the doctrine of the Satisfaction of Christ against the attacks of Socinians.<sup>4</sup> There, he contrasted God's sovereignty over the universe, based on absolute dominion, with that of earthly magistrates, based on contracts and the principle of self-preservation, in order to justify His right to punish all of humanity for Adam's sin. The *Letter on the Principles of Justness and Decency* is presented as an explicit defence of such a Hobbesian approach, although Van Velthuysen's concern here is with civil justice and his attempt to justify the right of magistrates to punish crimes. The work is thus a crucial text both for understanding the earliest developments in the assimilation of Hobbes's philosophy and for placing the so-called 'radical' philosophy within a broader context.

It would be wrong, however, to reduce Dutch seventeenth-century philosophy to the influence of a few big names. From the 1640s until nearly the end of the century, philosophical life was probably at its most vibrant in the Netherlands. The work of Dutch publishers, in both Latin and the vernacular, made available a wide selection of philosophical and theological texts, and the exceptionally large proportion of the population receiving school and university educations ensured that these were read and discussed by a very broad public. As a consequence, philosophy penetrated more deeply into Dutch society than probably anywhere else in Europe, and the new philosophies were often developed and transformed in ways of which their

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van Godts rijck, en wat sulcx meer is, gelijk te sien is in sijnen Engelschen Leviathan van Ao. 1651.' (*Den Overtuyghden Cartesiaen, ofte Clare aenwysinge uyt de Bedenckingen van Irenaeus Philaletheus*, p. 7; Knuttel 7804.) Suetonius Tranquillus was a *nom de plume* employed by the Utrecht theologian Gisbertus Voetius and those who allied themselves with his cause.

<sup>3</sup> See, e.g., Adriaan Koerbagh, *A Light Shining in Dark Places, To Illuminate the Main Questions of Theology and Religion*, ed. Michiel Wielema, Brill's Texts and Sources in Intellectual History, 12 (Leiden, 2011), in which Hobbes is the only modern author cited favourably and which reads like a paraphrase of Books 3 and 4 of *Leviathan*, and his 1668 dictionary, *Een Bloemhof van allerley Lieflijkheid sonder verdriet*.

<sup>4</sup> [Lambert van Velthuysen], *Specimen refutationis libri Crellii de satisfactione Christi. Authore L.V.* (Utrecht, 1648). I am grateful to Hans W. Blom for pointing out the importance of this work in the present context and providing me with a photocopy.

authors would never have conceived. Thus, even if the two most important and influential philosophers in the Netherlands were Descartes and Hobbes, one cannot ignore the many Dutch philosophers who to a great extent created the context in which these men were read. One of the most important, and the most prolific, of these men was Lambert van Velthuysen, and the *Letter* is his most original and interesting contribution.

Indeed, the interest of the *Letter* extends far beyond the purely philosophical, the text being to a considerable extent autobiographical in nature. It tells us much about the preoccupations of a member of Utrecht's ruling class, and Van Velthuysen's desire to rationalize the minutest parts of his life provides us with insights into his most private feelings, making this as valuable a text for the study of Dutch seventeenth-century culture as it is for philosophy. A central preoccupation of the *Letter* is the justness for a Christian of inflicting punishments, a question to which Van Velthuysen repeatedly returned.<sup>5</sup> His main justification for it is the maintenance of social order, another central theme of the *Letter* along with that of maintaining one's place within the social order and the dignity and respect that go with it, all governed by the classical notion of *decorum*. But he seems to have discovered a basic foundation for such arguments in the Hobbesian principle of self-preservation, and like Hobbes he uses it to reformulate classical and mediaeval natural law theories.

For authors such as Cicero and Thomas Aquinas, man was by nature a social animal.<sup>6</sup> He thus naturally came together with others and, through his natural inclination to preserve himself, he was also inclined to preserve human society and his place within it, and thus to avoid offending others or drawing himself into contempt. What actions tended towards such an end were variously described as discoverable through the common consensus of all nations, or at least the more civilized among them, or through an examination of natural human instincts, or through the common conceptions of practical reason. For Van Velthuysen, as for Hobbes, man was primarily driven by the instinct for self-preservation, and he formed soci-

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<sup>5</sup> It appears to have been a major preoccupation of Van Velthuysen in his youth. As well as the *Specimen refutationis*, his doctoral disputation in philosophy (Lambert van Velthuysen, *Disputatio philosophica inauguralis, de mundo, de vindicta, et de chalyboclisi seu deviatione versorii magnetici* (Utrecht, 1644)) contains a section 'On Vengeance' on the right of both the private individual and the magistrate to exact retribution.

<sup>6</sup> See Cicero, *De officiis*, I, 4, and Thomas Aquinas, *Summa theologiae*, I<sup>a</sup>II<sup>ae</sup>, q. 94, a. 2. For a history of natural law theories, see M.B. Crowe, *The Changing Profile of the Natural Law* (The Hague, 1977).

eties not for mutual benefit but for his own well-being. From this principle, it was claimed, it was possible to derive all of natural law and thus the basis of morality.

Unlike Hobbes, however, Van Velthuysen derives the entire foundation of natural law from first principles. The social order is superimposed upon a world order instituted by God that is directed towards the particular end that God had in mind when creating the universe, what is nowadays usually referred to as Intelligent Design and which was used to justify so much of the new philosophy and science of the seventeenth century. In the present case, it is the source of a natural revelation that shows us how we ought to behave, and the lesson it teaches us is that we have such a strong desire for self-preservation that it is God's will that we do everything in our power to maintain our well-being. Self-preservation is thus transformed from a basic right, which we are free to exercise, into the fundamental law of nature that is, in a sense, God's commandment. This is the unifying principle of the work by means of which Van Velthuysen works out his entire moral philosophy. On the way, we are given insights into his views on sex and drugs, marriage and divorce, his duties as a physician, and general deportment that are frequently somewhat naïve in their candour.

### *The Translation*

So what of the problems for translating the text? One has already been alluded to, namely the highly formal and rhetorical style of the *Letter*. It may first be said that it is neither possible nor desirable to bring this over into English with any degree of accuracy. Many of Van Velthuysen's effects consist in creating a highly artificial word order that cannot be rendered into English, where word order is everything. Furthermore, there seems little point in making a translation that is as difficult to read as the original, so that I have tried to avoid reproducing the many obscure constructions that he uses, and have instead attempted to put everything into clear English. Similarly, highly formal writing has largely fallen out of fashion these days, and the modern reader tends to find it tedious and repetitive. At the same time, I have been governed by the view that one of the chief purposes of translating a work such as the present one, which will largely be used by scholars, is to provide an introduction to the original text rather than to replace it. I have therefore attempted to stay as close to the Latin as is possible without sacrificing meaning. I have also attempted to preserve something of the literary style of the Latin, since to do away with it entirely

would be to rob the work of much of its originality and reduce it to the kind of dull philosophical writing that is only too common. This no doubt gives the text a slightly old-fashioned feel, but I hope to have avoided pastiche. The result is necessarily a compromise, and I leave it to the reader to judge whether or not it is a successful one.

From a more philosophical point of view, probably the greatest problem presented by the text is that of translating the terms *decorum* and *decor*,<sup>7</sup> the impersonal verb *decet*, and their opposites *indecorum*, *dedecor* and *dedecet*. Although they do not occur very frequently, they are nevertheless central to the treatise and govern the precise meanings of a number of other concepts. The English terms 'decorum' and 'indecorum' are, of course, closely related, but they do not convey the full meaning of their Latin counterparts, and much the same can be said of the many other words in English that have taken their meaning from some or other aspect of the classical notion of *decorum* but without exactly translating it.<sup>8</sup> It is thus necessary to provide a brief explanation of this concept to enable the reader to understand the underlying unity of the treatise and so to link up themes that otherwise might seem unrelated.

The principle source for the notion of *decorum* in the context of moral philosophy is Book I of Cicero's *De officiis*, also written in the form of a letter and from which the title of the present work is derived.<sup>9</sup> Although there are many aspects to the idea, in the context of the present work it can be broken down into three main parts. In the first place is moral goodness, which is presupposed by, and coextensive with, *decorum*, and which in English is conveyed by such terms as 'propriety' and 'proper'. Especially important in this regard are the virtues of moderation (and modesty) and temperance. In addition, there is the matter of appearance. As well as being good, one should also look good, and a man's comportment is taken as a clear sign of his inner qualities. This is suggested in English by the noun 'comeliness' and the adjectives 'decorous' and 'becoming'. Closely related is the notion of appropriateness—actions acquire their moral goodness and their beauty from being suited to their circumstances. This in turn has a general appli-

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<sup>7</sup> The former was favoured by Cicero, the latter by Quintilian, and Van Velthuysen uses both.

<sup>8</sup> It is perhaps worth noting that *decorum* was, in turn, Cicero's attempt at translating the Greek word *πρέπον*, for which there existed no clear equivalent in Latin.

<sup>9</sup> '... et justa omnia decora sunt, injusta contra, ut turpia, sic indecora.' (*De officiis*, I, 27.) It is also extensively discussed, in the context of rhetoric, in Book XI of Quintilian, *Institutio oratoria*.

cation, regarding man as man, and a particular one relating to individuals. At the general level, actions should be in harmony with nature or, from a Christian perspective, with the order that God has imposed on the universe, and thus also with human nature. The latter especially relates to man's position with regard to the other creatures—since he has been placed above them, he should act accordingly and, since what principally distinguishes him is the use of his rational faculty, he should at all times behave in accordance with reason. For the individual, what is or is not appropriate will be determined by such factors as his character, social position, age and sex, and finally the particular circumstances in which he finds himself at the time, for instance among friends or in the presence of his superiors, and is commonly referred to as what is 'fitting' or 'befitting'.

There are two words in English that manage to convey two of these aspects, although not all three. The first is 'decency', which conveys the ideas of moral propriety and appropriateness, and has the added connotation of respectability which is an important aspect of what Van Velthuysen wished to denote. One also still refers to the crimes of 'indecent exposure' and 'public indecency', and the term thus seems to fit the subject matter of the *Letter*. A disadvantage is that the adjective 'decent' has come to acquire the meaning of 'acceptable' in the sense of 'good enough'. It ought to be clear from the present context, however, that that is not what is meant, and I have therefore mostly employed 'decency' and its cognates to translate *decorum*. The second term is 'seemliness', which conveys the notions of appropriateness and decorousness, although in modern English it has come to relate more to good taste than to strictly moral requirements. I have nevertheless made use of it where it seemed most appropriate in the context. I have also generally used the noun 'unseemliness' and the adjective 'unseemly' to translate *turpitude* and *turpis*, respectively. In classical Latin, these words carry the meanings of both moral baseness and ugliness or deformity, both of which are implied by Van Velthuysen's use of them to denote an absence of *decorum*, and I have therefore concluded that 'unseemliness' is the best term to make sense of his arguments.

It is also worth saying a few words concerning *jus* and *lex*. As many scholars will be aware, Hobbes insists on distinguishing these terms, defining *jus*, which in *Leviathan* he translates as 'right', in terms of freedom, and *lex*, translated as 'law', as a constraint.<sup>10</sup> Van Velthuysen, however, does not follow this

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<sup>10</sup> Hobbes, *De cive*, I, 7.

distinction, employing *jus* to mean either 'right' or 'law' in the sense of a body of law, and *lex* to denote an individual law. I have accordingly translated *jus* as seemed most appropriate in the context. Finally, in translating biblical passages I have, for the most part, used the text of the Authorized Version of the Bible, except in a few cases where the Latin diverges from it to such an extent that it was necessary to translate the text directly. In such cases, I have provided the text of the Authorized Version in a footnote.

Although even less well known than the original text, there was an anonymous English translation of the *Epistolica dissertatio* published in 1706.<sup>11</sup> This is a very free translation, to the extent of being more of a paraphrase, aimed at presenting the arguments rather than transmitting the text, and it frequently glosses over the difficulties in the original. In general, however, it is faithful to the original and I have frequently consulted it where doubts might exist concerning Van Velthuysen's intentions. Nevertheless, being more concerned with presenting the text to a modern audience than justifying punishment, reforming the relations between Church and State, or changing views about adultery, incest or indecent exposure, I have tried to keep as close as possible to the original Latin as the requirements of translation allow.

### *Principles of the Edition*

As will be discussed in the Introduction, the *Epistolica dissertatio* exists in two different versions: the first edition of 1651, published anonymously as an individual treatise, and the second, amended edition produced for Van Velthuysen's *Opera omnia* of 1680. This raises the question of which text should be presented as the primary one, for which there are arguments on both sides.

The 1680 edition, for obvious reasons, can be viewed as the definitive version of the work, the changes that were made reflecting the development of Van Velthuysen's thought during the intervening thirty years and bringing

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<sup>11</sup> *A dissertation: Wherein the fundamentals of natural or moral justice and decorum, are laid down, and clearly stated; according to the principles of Mr Hobbs. By a learned pen.* (London, 1706). There are very few extant copies of this translation, but the copy from the Bodleian Library, Oxford, is available in *Eighteenth Century Collections Online* (ECCO), Part II, under the author name 'Learned Pen'. Interestingly, an early owner of a copy now in Melbourne, Australia, attributed the original work to Lord Bolingbroke.



his arguments into line with the *De naturali pudore* of 1676.<sup>12</sup> Such arguments are somewhat weakened, however, by the fact that the reworking seems to have been rather hurried, leading to inconsistencies in the text,<sup>13</sup> and that much of the change in Van Velthuysen's thought appears to be a function of the changed intellectual environment that existed in the Netherlands after the *rampjaar* of 1672, as well as the *Placaet* of 1674 banning Hobbes's *Leviathan*, rather than to have been the product of purely philosophical considerations.

Conversely, the 1651 edition has the merit of being the original version of the work, written in answer to questions that were pressing at the time rather than to fit into a volume of collected works. In addition, as has already been stated, much of the interest of the text stems from the fact that it not only presents Van Velthuysen's ideas but is also an important landmark in the Dutch reception of Hobbes, and specifically of *De Cive*, a process that was at its height in the late 1640s and early 1650s. The first edition fully belongs to this process and presents an undiluted response to Hobbes's political thought, for the most part favourable. The reception of Hobbes in the Netherlands was in turn conditioned by the reaction to new philosophies in general and to Descartes in particular, and the 1651 edition of the *Epistolica dissertatio* represents one of the first publications by a philosopher who was favourably inclined towards Cartesianism, even if the work can only be called Cartesian in a very limited sense. On balance, therefore, the 1651 edition appears altogether more interesting from an historical perspective. Furthermore, the 1651 edition also contains the lengthy 'Probatio ex scriptura sacra', representing about one fifth of the entire text, that was totally suppressed in 1680, presumably because it would have had to have been entirely rewritten. To leave it out would be to misrepresent the original work, while to attach it as an appendix to the 1680 text, which it extensively contradicts, would make little sense.

Accordingly, the text presented here, in both the translation and the original Latin, is primarily that of the 1651 edition of the *Epistolica dissertatio*. The Latin text is presented in substantially the same form as that in which it appears in the original edition. The only major alterations are where changes in the 1680 edition are clearly corrections of what appeared in

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<sup>12</sup> Lambert van Velthuysen, *Tractatus moralis de naturali pudore et dignitate hominis in quo agitur, de incestu, scortatione, voto caelibatus, conjugio, adulterio, polygamia et divortiis, etc.* (Utrecht, 1676).

<sup>13</sup> See, especially, p. 88 below.

1651 and merely clarify the meaning rather than alter it. These have been included in the main text, but are clearly marked in the notes. Simple typographical errors have been silently corrected, while a few abbreviations have been silently expanded. The spelling is also largely unchanged. The use of 'j' for consonantal 'i' and of 'v' for consonantal 'u' were standard in the northern European printing tradition and also correspond to the forms given in Lewis and Short, *A Latin Dictionary*, the most widely used Latin–English dictionary among students of the seventeenth century, as well as all other dictionaries based upon Freund. This usage has therefore been retained, with the exception that it has also been standardized to the use of capital 'J' where the original employs 'I'. The only other changes are that ampersand (&) has been changed to 'et' throughout and that certain compound words have been split into their constituent parts where this is more normal in modern usage (thus, 'siquis' becomes 'si quis', and 'suiipsius' becomes 'sui ipsius', etc.). The original punctuation has also been retained. Although strange to most modern readers, it will be familiar to all those who read early modern Latin and has the benefit that it frequently helps in the interpretation of Van Velthuysen's often highly convoluted sentences. The exceptions are that the first word of a sentence has been capitalized, which was not always the case in 1651, and a space has been added after the period following an abbreviation. For similar reasons, the accents have been retained, since they often serve to disambiguate the Latin.

The original edition was split into two parts: the 'Preface to the Reader' and the 'Letter' itself, to which the 'Demonstration from Holy Scripture' was attached as an appendix. Here, they are split up as separate chapters with additional section headings provided. The headings are taken from the table of contents provided at the end of the original edition. They serve to identify the main themes of the work without excessively breaking up the flow of the text, whereas the many marginal headings aim more to summarize the arguments of a paragraph and are too numerous to use. They have therefore been suppressed.

The variants introduced into the edition for the 1680 *Opera omnia* are presented as numbered footnotes, the passages in the original edition that have been altered being demarcated by angled brackets (<...>). The precise extent of the passages marked as altered in the Latin is governed by the need to produce grammatical and coherent translations in the notes to the English text and the desire to maintain a one-to-one correspondence between the notes in the two versions in order to facilitate comparison. The aim, in other words, has been to preserve the meaning of the text rather than to provide a reconstruction of Van Velthuysen's manner of reworking it, and

there are many instances where the text in the notes considerably overlaps that on the page. Editorial annotations are marked by standard footnote symbols (\*, †, ‡, etc.) and appear at the bottom of the page.

Page numbers for the two editions have been supplied as marginal notes, the numbers appearing in Roman type in the left margin for the 1651 edition and in italics in the right margin for that of 1680. In the 1651 edition, the 'Preface to the Reader' was printed on unnumbered leaves which are here identified by their signatures, beginning with an asterisk (\*). In the Latin, the start of a new page is marked by a single vertical line (|) for the 1651 edition and a double vertical line (||) for that of 1680, except where a page begins at a new paragraph. It is hoped that this will also facilitate navigation between the English and the Latin as well as providing easy reference to the originals. Consideration was given to producing a parallel edition and translation, but it was felt that the existence of two versions of the text would have led to a very confusing layout as well as highly uneven pages, and it is hoped that the present layout will serve its purpose.

MdM



## INTRODUCTION

The dissemination of Hobbes's writings in the Netherlands provoked conflicting reactions. Besides the refutations that condemned—as was to be expected—the alleged atheism of Hobbes's proposals, the assimilation of liberty rights and moral relativism, Hobbes's thought was received a great deal more positively than one might imagine. This reaction stemmed from a twofold need for legitimization: on the one hand, that of an absolutist form of authority in a republican regime; on the other hand, that of a utilitarian approach to morality in an environment strongly subject to the pressures exerted by theologians. The latter was the case of Lambert van Velthuysen. His *Epistolica dissertatio de principiis Justi et Decori, continens apologiam pro tractatu clarissimi Hobbaei, De Cive*, published anonymously in 1651, marked a decisive moment in the English philosopher's influence in the Netherlands: for the first time, the text recommended adopting an openly favourable position with regard to Hobbes's thought.<sup>1</sup> Indeed, Hobbes's ideas had already awoken the public's curiosity, and the fact that, in July 1650, Etienne de Courcelles, to whom Van Velthuysen had submitted his manuscript, advised him that he would attract readers by including Hobbes's name in the title of his 'dissertatio' suggests that such a mention could even constitute a marketing tool.<sup>2</sup> Van Velthuysen nevertheless had a genuine interest

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<sup>1</sup> [Lambert van Velthuysen], *Epistolica dissertatio de principiis justis, et decori, continens apologiam pro tractatu clarissimi Hobbaei, De Cive* (Amsterdam, 1651).

<sup>2</sup> 'Tuum etiam nomen cuperet in titulo prostare, quia non ita bene soleant distrahi libri quorum auctores ignorantur. Cui si adderes alterum continere apologiam pro sententia Hobbii, alterum inaedificatum esse fundamentis Cartesii, gratius id ipsi futurum adhuc esset. Sic enim speraret fore ut quo pluribus commendationibus munita haec scripta prodirent in publicum, tanto plures emptores allicerent.' Courcelles to Van Velthuysen, 18 July 1650, in Corinna Vermeulen, "Convenimus in praecipuis." The letters, 1648–1657, by Etienne de Courcelles (1586–1659) to Lambertus van Velthuysen (1622–1685)', *Lias*, 26 (1999) 157–185, p. 167. The other text referred to is Lambert van Velthuysen, *Disputatio de finito et infinito, in qua defenditur sententia clarissimi Cartesii. De motu, spatio et corpore* (Amsterdam, 1651), which had been sent at the same time. Etienne de Courcelles was a French theologian, educated in Geneva, who was in favour of the ideas of the Remonstrants, of whom he met a number of major representatives such as Johannes Uytenbogaert, who was exiled in Paris. In 1634, he settled in Amsterdam where he made a living from translations (particularly that of the *Discours de la Méthode* into Latin) before being appointed as theology professor at the Remonstrant seminary in 1643. To him we owe, among other works, a critical edition of the New Testament. He died in 1659.

in *De Cive* and Cartesian philosophy, which meant that his commitment was destined to open up a new philosophical perspective: one that brought Cartesianism and politics closer together by applying the theory of passions to the definition of the best government. Spinoza, a major figure, also joined that trend, as did republican authors such as the brothers Johan and Pieter de la Court.

Hobbes's influence in the Netherlands provides a particularly good illustration of the way in which a new receptive trend can give an invaluable insight into intricate networks of political affiliations, philosophical interests, and theological issues. At the same time, the emergence of an author such as Hobbes within a situation of crisis, as was that of the Republic of the United Provinces in the middle of the century, could not fail to intensify an intellectual and political dynamic already in action, and we discover the extent to which some Hobbesian proposals found an immediate application in Dutch history.

Lambert van Velthuysen was an extremely active man, both on a social and political level and in intellectual terms. As well as alderman of Utrecht, doctor, and governor of the Dutch West India Company, he was also a prolific writer who published several works on matters of theology, philosophy and medicine. His work as a whole, brought together in the two volumes of his *Opera omnia* in 1680, reveals the diversity of his interests and the trouble he took to keep abreast of the debates of the period.<sup>3</sup> It is not possible to present or even summarize all of his work here, but it is worth noting that the author of the *Epistolica dissertatio* took a stand on many subjects, some of which were among the most controversial of his time: the interpretation of Scripture, the relationship between temporal and spiritual powers, Cartesian physics. He was a staunch Cartesian, taking an active part in the controversy sparked by the dissemination of the 'new' philosophy and the defence of heliocentrism. Most of his writings were included in the edition of his *Opera omnia*. Some were first published in Dutch and then translated into Latin when republished in 1680 (such as the tracts exchanged with the minister Jacobus Du Bois, between 1655 and 1657, on the new physics and Cartesianism, and the 1660 'Enquiry into whether a Christian government

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<sup>3</sup> Lambert van Velthuysen, *Opera omnia: antequam quidem separatim, tam Belgice quam Latine, nunc vero conjunctim Latine edita: quibus accessere duo tractatus novi, hactenus inediti, prior est de articulis fidei fundamentalibus, alter de cultu naturali, oppositus tractatui theologico-politico et operi posthumo Benedicti de Spinoza*, 2 vols (Rotterdam, 1680).

could allow any evil in its territory').<sup>4</sup> Two treatises only appeared for the first time in the edition of the *Opera omnia* (*De articulis fidei fundamentalibus* and *De cultu naturali et origine moralitatis oppositus Tractatui Theologico-Politico et Operi Posthumo B.D.S.*), while, conversely, one work did not appear, his refutation of Crellius's account of the Satisfaction of Christ.<sup>5</sup>

The 'Dissertation in the form of a letter', written in support of *De Cive*, was among the first titles that Van Velthuysen published. In this he announced his intention to defend Hobbes's 'principles' and stated that he fully subscribed to his 'moral doctrine'. Such an undertaking was not lacking in boldness, as Van Velthuysen was well aware, taking the opportunity to praise intellectual courage at the same time: 'Who ever attempted a great and memorable deed without risk?' (p. 66). Above all, he seems to have been one of those best placed—on account of his education, his position and his friendships—to provide a Dutch perspective on certain aspects of Hobbesian philosophy. His ties with Spinoza, even though they subsequently loosened, linked him with the enlightened milieu of Spinoza's 'circle'. In addition, whereas the Aristotelian tradition, in the academic world, still retained an idea of politics that was far removed from the actual situation in the Netherlands at the time, Van Velthuysen—in his functions as an alderman, a representative of civil power to consistories, and a doctor—found himself directly confronted with the practical, specific problems of civilian life.

The *Epistolica dissertatio*, therefore, is an instance of a reception that was determined by several factors. At the same time, it qualifies as reception in the form of active appropriation. Rather than just faithfully transmitting an idea or presenting a system, Van Velthuysen's 'apology' goes much further. In particular, it directly applies a principle borrowed from Hobbes—that of self-preservation—to current events. To use some of the terms used in a letter from Etienne de Courcelles to Van Velthuysen shortly before the *Epistolica dissertatio* was published, Van Velthuysen's work does not merely consist in 'following in the footsteps' of the author he defends, but 'in building on the foundations laid by Hobbes and successfully completing those that remain unfinished'.<sup>6</sup> As a conscious, deliberate approach, Van

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<sup>4</sup> Lambert van Velthuysen, *Ondersoeck of de Christelijcke overheydt eenigh quaedt in haer gebiedt mach toe laten* (Middelburgh, 1660).

<sup>5</sup> [Lambert van Velthuysen], *Specimen refutationis libri Crellii de satisfactione Christi. Authore L.V.* (Utrecht, 1648).

<sup>6</sup> 'Tu, doctissime vir, non tantum vestigia eius premis, sed etiam fundamentis ab illo iactis alia inaedificas, et praetermissa feliciter suppleas.' Courcelles to Van Velthuysen, 27 May 1650, in Vermeulen, "'Convenimus in praecipuis'", p. 164.

Velthuysen's undertaking thus shows more effectively than any other what so-called 'minor' literature can teach us about the impact and dissemination of a philosophy. As we shall see, this 'apology' of *De Cive* constitutes a witness account in more than one way.

*Lambert van Velthuysen: A Committed Author, a Controversial Work*

*The Netherlands in 1651*

In order properly to understand Van Velthuysen's interest in Hobbes's doctrine, as well as the general impact of Hobbes's political thought in the Netherlands, it is vital to bear in mind the philosophical, theological and political situation of that nation in the middle of the seventeenth century. In 1651, the year in which the *Epistolica dissertatio* was published, the United Provinces were at the height of their power; their position was established and the new country's independence had been recognized three years earlier by the Peace of Westphalia.<sup>7</sup> However, the country continued to be affected by severe tensions that had surfaced at the beginning of the century. Indeed, on a political level, the rivalry between supporters of the power of the States assemblies and the Grand Pensionary ('staatsgezinden') and those in favour of the stadholderate, a position traditionally filled by a member of the Orange family ('prinsgezinden'), caused a persistent divide. A legacy of the government that had been set up following the separation from Spain at the end of the sixteenth century, the distribution of tasks that, in practice, entrusted matters of foreign policy and national defence to the Advocate of Holland (an office which, following Oldenbarnevelt, became that of Grand Pensionary) and military matters to the stadholder sowed the seeds of confrontation and crisis. From 1609, a quarrel broke out between Maurice of Nassau and Johan van Oldenbarnevelt, Advocate of Holland, over the signing of the Twelve Years' Truce with Spain: the former wished to continue the war, while the spokesman for Holland advocated a cessation of hostilities to allow the country to strengthen its economy and political independence.

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<sup>7</sup> For everything related to the history of the Netherlands, see, in particular, Maarten Prak, *The Dutch Republic in the Seventeenth Century* (Cambridge, 2005), p. 224. The year 1650 has been referred to as 'Ijkpunt' (Willem Frijhoff and Marijke Spies, 1650. *Bevochten eendracht* (The Hague, 1999); translated into English as *idem*, 1650. *Hard-won unity* (Assen, 2004)), for it is true to say that it was a crucial year in the history of the Netherlands.



The antagonism was exacerbated by the conflict that had arisen in 1604 between the theologians Jacobus Arminius and Franciscus Gomarus over the doctrine of predestination. The republicans tended to rally around the more liberal ideas of the Arminians, while the supporters of the Prince of Orange sided more with the Gomarists. The conflict resulting from these differing political and theological views steadily worsened and reached its peak, in May 1619, with the beheading of Johan van Oldenbarnevelt and the condemnation of the Remonstrants (as the Arminians were called, after the 'Remonstrance', or petition, they submitted to the States of Holland in 1610) at the national Synod of Dordrecht. Although the government of the stadholder, Frederick Henry (1625–1647), succeeded in restoring a peace of sorts, the tensions still did not disappear. Furthermore, the political schisms were coupled with a social and ideological split. The 'staatsgezinden' mostly came from a merchant background; they were engaged in highly lucrative commercial activities (large companies, naval construction, Swedish iron-mines) and were not well disposed towards costly military missions. In terms of their views, they were of a more tolerant disposition, prone to a certain doctrinal latitude as regards religion. It was they who supplied the class of 'regents': civil servants appointed to municipal, provincial and federal public offices. Supporters of the stadholder were largely recruited either from among more modest groups (artisans, small farmers, sailors), who were very attached to the memory of William 'the Silent', or else from among orthodox Calvinists, simple loyal supporters or prominent theologians, who were hostile to the republicans' liberal ideas.

The *Epistolica dissertatio* cannot be considered separately from this context of political tensions and intellectual controversies. It was published precisely at the time of a second crisis, the most violent after that of 1619–1620, which led to Johan de Witt's Republic and the 'first stadholderless period' (1650–1672). Disagreeing with the States of Holland, which once the Treaty of Münster was signed wanted to dismiss the troops, the stadholder William II of Orange decided to resort to force against Amsterdam, and on 31 September 1650 he had six members of the States of Holland (including Jacob de Witt, father of the future Grand Pensionary Johan) arrested and imprisoned in the castle of Loevestein. When Amsterdam submitted, the Prince of Orange was on the point of establishing his victory, which would no doubt have turned the government of the Republic into something approaching a constitutional monarchy, but a few days later William II died. The stadholder's actions and subsequent death inevitably brought up the question of whether or not the stadholderate would be retained, particularly considering the fact that the Prince of Orange's only heir was a son (the future

William III) born a week after his father's death. During the Great Assembly called by the States of Holland on 18 January 1651, the upper classes of Amsterdam, who had always been distrustful of the stadholders' political and military ambitions, seized the opportunity and decided to abolish the position and establish a 'stadholderless republic'. In July 1653, Johan de Witt assumed the role of Grand Pensionary. The 'Exclusion Act', which prevented the House of Orange from holding any office in the province of Holland, was followed a few years later by a similar measure for the whole Republic. Thus, for the first time, those who had been called 'republicans', as opposed to 'Orangists', were to govern alone for twenty years without sharing power with a prince of Orange.

### *Lambert van Velthuysen*

Little is known of Van Velthuysen, and the sources that provide information on his life are mostly indirect.<sup>8</sup> Born into a Utrecht patrician family in 1622, he studied theology at Geneva and Utrecht, and defended his doctoral thesis in philosophy at the University of Utrecht in 1644.<sup>9</sup> He seems to have considered entering the ministry, since in 1642 he was admitted as a candidate in the Walloon Church of Utrecht, one of those Francophone communities that had welcomed Calvinist refugees from France after St Bartholomew's Day and would do so for waves of French Calvinists throughout the seventeenth century, especially after the Revocation of the Edict de Nantes. These communities were known for their liberalism and, in many towns, were an alternative for those who found the Reformed Church too rigorous or strict.<sup>10</sup> However, Van Velthuysen changed his mind and, in 1647, he enrolled at

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<sup>8</sup> The main source of biographical information on Lambert van Velthuysen is provided by A.C. Duker, *Gisbertus Voetius*, 3 vols (Leiden, 1897–1914), vol. 3, ch. 4; the essence can be found in English in W.N.A. Klever, *Verba et sententiae Spinozae, or, Lambertus van Velthuysen (1622–1685) on Benedictus de Spinoza* (Amsterdam, 1991). One can also consult P.C. Molhuysen, P.J. Blok and Fr. K.H. Kossmann (eds), *Nieuw Nederlandsch biografisch woordenboek*, 10 vols (Leiden, 1911–1937; facsimile edn Amsterdam, 1974), vol. 4, cols 1368–1370.

<sup>9</sup> Lambert van Velthuysen, *Disputatio philosophica inauguralis, de mundo, de vindicta, et de chalyboclisi seu deviatione versorii magnetici* (Utrecht, 1644).

<sup>10</sup> In liturgical terms, they only differed from the Reformed Church in that they held services in French. There were no fundamental doctrinal differences as they subscribed to the Canons of Dordrecht. In Leiden, the Walloon Church had created a college with the aim of guaranteeing training for its ministers. On the history of Walloon refugees and their institutions in the Netherlands, see Paul Dibon, 'Le refuge wallon, précurseur du refuge huguenot', in *Regards sur la Hollande du Siècle d'Or* (Naples, 1990), 315–341; G.H.M. Posthumus Meyjes, *Geschiedenis van het Waalse College te Leiden, 1606–1699* (Leiden, 1975).

Leiden University as a medical student. After defending his medical thesis in 1650, he settled permanently as a doctor in his home town. He nevertheless remained a faithful member of the Walloon Church of Utrecht throughout his life.

Van Velthuysen's loyalty also seems to provide an insight into his personality, and is in line with what the *Epistolica dissertatio* reveals about his moderation.<sup>11</sup> Like other Cartesians from Utrecht (F. Burman, J.G. Graevius, L. Wolzogen), he was part of the 'College der Sçavanten', a kind of scholarly academy that met weekly to discuss new books and ideas or receive visits from scientists, such as that of the anatomist Jan Swammerdam (1637–1680). They maintained a mechanistic interpretation of nature and a critique of superstition that did not fail to provoke attacks from orthodox Calvinists. They were also seen as anti-Orangist and Republican.<sup>12</sup> In 1665, Van Velthuysen became governor of the West India Company and, in 1667, alderman of Utrecht. As such he was responsible for intervening in the conflict between Catholics and Calvinists during the French occupation from 1672 to 1673. In fact, at the request of the consistory of the Reformed Church, which was concerned about possible reactions to the passing of Catholic processions (particularly that of the Holy Sacrament on 22 May), the city council appointed Van Velthuysen to negotiate the abolition of public religious displays. Although he did not obtain what he wanted from the governor Pierre Stouppa, who had been appointed by the French, he seems to have succeeded in securing a certain level of restraint in religious displays.<sup>13</sup>

From 1669 onwards, Van Velthuysen was appointed to the role of 'political commissioner' to the consistory of the Church of Utrecht. A recently created institution, these 'commissioners' acted as representatives of civil power, appointed to sit in on consistory meetings and synods and assert the political authority's official view. The Church was seen as a public institution, and churches and ministers' wages were paid for by the civil authorities, so that these commissioners wielded considerable power. Such a position

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<sup>11</sup> Dibon, 'Le refuge wallon', pp. 338–339.

<sup>12</sup> Theo Verbeek, *Descartes and the Dutch. Early Reactions to Cartesian Philosophy, 1637–1650* (Carbondale & Edwardsville, 1992), p. 10; Eric Jorink, "Outside God, there is nothing": Swammerdam, Spinoza, and the Janus-face of the early Dutch Enlightenment', in W. van Bunge (ed.), *The Early Enlightenment in the Dutch Republic. 1650–1750* (Leiden, 2003), 81–108, pp. 95–96.

<sup>13</sup> Bertrand Forclaz, "Rather French than Subject to the Prince of Orange." The Conflicting Loyalties of the Utrecht Catholics during the French Occupation (1672–1673); *Church History and Religious Culture*, 87 (2007) 509–533, p. 522.

presented an opportunity for Velthuysen to put forward the liberal point of view he had previously defended. In 1669, the year that he was appointed, he published a treatise in which he recommended a liberal religious policy towards human weakness and advocated toleration of Jews and Catholics, the 'Treatise on idolatry and superstition'.<sup>14</sup> The work was not to the taste of the Reformed Utrecht consistory and provoked a fierce debate, particularly with Gisbertus Voetius, a member of the most radical section of the Reformed orthodoxy.<sup>15</sup> However, the Council of the city of Utrecht certainly shared the views expressed by their 'commissioner'. As early as 1660, Velthuysen had revealed himself to be in favour of granting extensive powers to the civil authorities and, in a treatise on 'The office of Preacher and the right of the Church', he wrote:

Just as God granted each man the right to judge disputes in matters of religion and to steer his conscience and faith according to that judgement, so God has given the father of each family and the prince of every land the right to judge disputes in matters of religion and to define the religion of his own family or his country according to that judgement.<sup>16</sup>

Following the end of Johan de Witt's republic and the return of the stadholderate under William III, Van Velthuysen was not re-elected to the city council. He died in Utrecht in 1685.

### *Controversies Surrounding the Spread of Cartesianism*

The fact that Van Velthuysen was born in Utrecht placed him at the crossroads of the newest philosophical questions and the most radical Reformed orthodoxy. Utrecht university was the first, in the Netherlands as elsewhere, to teach Cartesian ideas. Since its foundation in 1636, it had also been the site

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<sup>14</sup> Lambert van Velthuysen, *Een tractaet van de afgoderye ende superstitie* (Utrecht, 1669). The attacks provoked by this text resulted in a series of four 'apologies', which were published together with a second edition of the original text and the replies of its opponents, all of which were included in Latin versions in the *Opera omnia* (*Tractatus de idololatria et superstitione*).

<sup>15</sup> See Duker, *Gisbertus Voetius*, vol. 3, pp. 263–288.

<sup>16</sup> 'Maer gelijk Godt yeder mensch Richter heeft ghemaect om te oordeelen van de gheloofs-gheschillen; en na dat oordeel zijn godtsdienst en Conscientie te bestieren, so heeft Godt oock elcke Vader des Huys-ghesins en Vorst des Landts het recht gegeven, om van de gheloofs-gheschillen te oordeelen: en na dat oordeel den Godts-dienst in zijn Huys en Landt te formeeren.' (Lambert van Velthuysen, *Het predick-ampt en 't recht der kercke, bepaelt nae de regelen van Godts Woordt, en de gronden van onse Reformatie: tegen het gevoelen van eenige Gereformeerde Leeraers, die derselve macht verder uytbreiden als het behoort* (Amsterdam, 1660), p. 68.)

of what was called the 'Nadere Reformatie' ('Further Reformation'), a trend originating from the most radical wing of Dutch Calvinism that called for greater religious piety and aimed at a moral and theocratic reform.<sup>17</sup> In 1641, the professor of medicine and botany Henricus Regius (1598–1679), a friend and correspondent of Descartes and one of his disciples, published two series of disputations from medicine and physics, in which—while using Aristotelian vocabulary—he defended Cartesian epistemological and metaphysical notions.<sup>18</sup> One of the theses introduced created a particular scandal: the thesis according to which the union of the body and the soul was accidental and not substantial—man was an 'ens per accideos'.<sup>19</sup> This kind of statement brought the author both reproaches from Descartes, according to whom Regius had misunderstood his ideas, and attacks from the theologian Gisbertus Voetius, whose suspicions were aroused as to the orthodoxy of Cartesian philosophy.<sup>20</sup> The ensuing attacks and counterattacks grew steadily more heated and trouble soon spread among the students, leading to scenes of uproar during public disputations. What has been called the 'Utrecht Crisis', the first crisis sparked by the spread of Cartesianism in the Netherlands, grew to such an extent that it forced the authorities to intervene. In order to restore the peace, in February 1642 Regius was ordered to confine himself to his medical teaching and the teaching of 'new philosophy' was banned.<sup>21</sup> Descartes blamed Voetius for this setback, and the second edition of the *Meditations* appeared with a letter of Descartes to the Provincial of the French Jesuits, Father Dinet, in which he bitterly argues against Voetius and the Utrecht judgment.<sup>22</sup>

<sup>17</sup> Jonathan I. Israel, *The Dutch Republic. Its Rise, Greatness, and Fall. 1477–1806* (Oxford, 1995), pp. 690–699; Fred van Lieburg, *De Nadere Reformatie in Utrecht ten tijde van Voetius. Sporen in de gereformeerde kerkeraadsacta* (Rotterdam, 1989).

<sup>18</sup> They were later gathered and published in Henricus Regius, *Fundamenta physices* (Amsterdam, 1646); see Verbeek, *Descartes and the Dutch*, pp. 13–19.

<sup>19</sup> J.A. van Ruler, *The Crisis of Causality. Voetius and Descartes on God, Nature and Change* (Leiden, 1995), pp. 186–190; Theo Verbeek, "'Ens per accideos": Le origini della querelle di Utrecht', *Giornale Critico della Filosofia Italiana*, 12 (1992) 276–288.

<sup>20</sup> Verbeek, *Descartes and the Dutch*, pp. 17–18. On the background, see also Malcolm de Mowbray, 'Libertas Philosophandi. Wijsbegeerte in Groningen rond 1650', in H.A. Krop, J.A. van Ruler and A.J. Vanderjagt (eds), *Zeer kundige professoren. Beoefening van de filosofie in Groningen van 1614 tot 1996* (Hilversum, 1997), 33–46.

<sup>21</sup> Verbeek, *Descartes and the Dutch*, pp. 17–19.

<sup>22</sup> Published as an annexe to René Descartes, *Meditationes de prima philosophia, in quibus Dei existentia, et animae humanae a corpore distinctio, demonstrantur*, 2nd edn (Amsterdam, 1642). See *Oeuvres de Descartes*, vol. 7, pp. 582–599; René Descartes and Martin Schoock, *La Querelle d'Utrecht. Textes établis, traduits et annotés par Theo Verbeek, préface de J.L. Marion* (Paris, 1988), pp. 127–129.

Van Velthuysen belonged to the second generation of Descartes' disciples. He was the one who deliberately spread the discussion of Cartesianism beyond the university. In the first instance, he addressed a learned audience with his Latin treatise 'A Disputation on the finite and the infinite', published in 1651 and written in defence of the Cartesian theories of movement, space and bodies.<sup>23</sup> In his own way, he distinguished the physical and mathematical infinite from the divine infinite and, like Descartes, reached the conclusion that the theological and philosophical spheres were separate. In 1655, however, he published a series of pamphlets in Dutch in defence of Copernicanism, and thus took the philosophical and scientific debate beyond academic circles.<sup>24</sup> His purpose was not only to support heliocentrism but also to prevent the orthodox Calvinists from using Copernicanism as a way of making Cartesianism suspect. In fact, the Copernican arguments were already much debated in the Dutch Reformed Church by 1653.<sup>25</sup> The controversy was centred on the interpretation of Scripture and the possibility of reconciling Copernicus's heliocentric theory with those passages in Scripture that mention the movement of the sun, particularly Joshua 10, 13:

And the sun stood still, and the moon stayed, until the people had avenged themselves upon their enemies. Is not this written in the book of Jasher? So the sun stood still in the midst of heaven, and hasted not to go down about a whole day.

Van Velthuysen published his first pamphlet ('Proof that the opinion of those who teach that the sun stands still and that the Earth moves is not in conflict with God's Word') under cover of anonymity. It begins by condemning the propaganda campaign led by theologians who were looking to win over the common people, and thereby the magistrates, by making them believe that Cartesianism led to atheism.<sup>26</sup> Then comes the question of the movement of the Earth, where Van Velthuysen reaffirms the principal rules for interpreting Scripture that he had already presented in 1651 in the *Epistolica dissertatio*. In order to show that the new physics did not contradict the teaching of Scripture, he gives a few simple, precise rules for interpreting

<sup>23</sup> Van Velthuysen, *De finito et infinito*.

<sup>24</sup> Many of them were later republished in Latin in the *Opera omnia*.

<sup>25</sup> See Dibon, *Regards sur la Hollande*, pp. 692–700; Rienk Vermij, *The Calvinist Copernicans. The reception of the new astronomy in the Dutch Republic, 1575–1750* (Amsterdam, 2002), pp. 251–255, 272–294.

<sup>26</sup> [Lambert van Velthuysen], *Bewys, Dat het gevoelen van die geen, die leeren der Sonne Stilstandt, En des Aertrycks Beweging niet strydtich is met Godts Woort* (1655).

sacred texts. While the Bible's authority is absolute, it is the meaning and not the letter that is authoritative. When interpreting it, all the circumstances in which it was written (historical, stylistic, linguistic, etc.) must be taken into account. In the long 'Proof from Holy Scripture' published as an annexe to the first edition of the *Epistolica dissertatio*, Van Velthuysen provides several examples in which this method is applied:

... for words of this kind that declare such a wish, just as all others in use among men, should be judged according to their circumstances. ... For, if you wish to abide by the primary sense of the words, you will necessarily fall into innumerable absurdities in explaining the words of Scripture. (p. 159)<sup>27</sup>

In addition, while for Van Velthuysen the Holy Spirit always tells the truth, what the Bible describes often boils down to simple effects whose cause is not explained, since it is not regarded as important, not to mention the fact that the language itself is often figurative and metaphorical, reflecting common understanding—thus, we say that the coast comes near, etc. When there is a contradiction, for example, between the biblical text and the theories of the new astronomy, it becomes necessary to use reason, which is the only thing that can clarify the meaning of the problematic passages. According to Van Velthuysen, rational discourse must therefore make up for the obscurities of revelation.

Van Velthuysen's conception of the interpretation of Holy Scripture placed him within the trend of Protestant rational exegesis, which tends to see the Bible as an historical text to which one should apply a philological approach comparable to that used by humanists on ancient texts. In doing so, his ambition was restricted and, despite his loyalty to Cartesianism, he never went so far as Lodewijk Meyer did in 1666 when, in his *Philosophia S. Scripturae interpres*, the latter decided to subject theology to methodical doubt 'by rejecting in it everything that could appear doubtful and uncertain'.<sup>28</sup> For Van Velthuysen, if philosophy can, to a certain extent, serve as Holy Scripture's 'interpreter', it is only because philosophy lends it its tool—that is, reason—in order to put into practice the philological knowledge

<sup>27</sup> This 'Proof' was removed from the second edition of 1680 (see p. 25 below).

<sup>28</sup> Lodewijk Meyer, *La Philosophie interprète de l'Écriture sainte. Traduction du Latin, notes et présentation par Jacqueline Lagrée et Pierre-François Moreau* (Paris, 1988), p. 27. The original text was published as [Lodewijk Meyer], *Philosophia S. Scripturae interpres; exercitatio paradoxa, in qua veram philosophiam infallibilem s. literas interpretandi normam esse, apodictice demonstratur; et discrepantes ab hac sententiae expenduntur, ac refelluntur* (Eleutheropoli [Amsterdam], 1666).

handed down by the humanists. The holy text maintains its religious status and takes on meaning by itself. The real meaning (the one the author had in mind) cannot be compared with the truth established by philosophy.

Van Velthuysen's first pamphlet (*Bewys, dat het gevoelen ...*) drew an immediate refutation from the minister Jacobus Du Bois, entitled 'Nakedness of the Cartesian philosophy', a pamphlet to which Van Velthuysen responded in turn, publishing an enlarged edition of his *Bewys* in 1656, this time openly under his own name.<sup>29</sup> The debate intensified to the point where Van Velthuysen tackled the basic theories of Cartesian metaphysics in a third pamphlet (*Nader bewys*), published in 1657 and written in response to a second pamphlet by Du Bois.<sup>30</sup>

Van Velthuysen's commitment to Cartesianism was, therefore, concurrent with his interest in Hobbes's thought. That remarkable concurrence reflected a movement that brought these two philosophies together under the same thought system, whether to criticize them or adhere to them. On the one hand, the Hobbesian 'danger' could be compared with the danger that Cartesian philosophy represented, while, on the other hand, the first disciples of Hobbes found they were also the staunchest Cartesians—for example, the De la Court brothers and Spinoza. From his very first works, Van Velthuysen, a pioneer of 'political Cartesianism', launched himself wholeheartedly into two of the major philosophical battles of the century—those around Descartes and Hobbes—and, in doing so, demonstrated those very qualities he had advocated at the beginning of the *Epistolica dissertatio*. Indeed, should not Van Velthuysen more than any other, be praised for taking the intellectual risk of his 'apology'? The man described as venturing 'into deep waters' instead of 'hugging the shore', not afraid

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<sup>29</sup> Jacobus Du Bois, *Naecktheyt van de Cartesiaensche philosophie, ontbloom in een antwoord op een Cartesiaensch libel, genaemt: Bewys, dat het gevoelen van die gene, die leeren der sonnestilstandt, en des aerdricks beweging niet strydig is met Gods woort* (Utrecht, 1655); Lambert van Velthuysen, *Bewys dat noch de leere van der sonne stilstant, en des aertryx bewegingh, noch de gronden vande philosophie van Renatus Des Cartes strydig sijn met Godts woort: gestelt tegen een tractaet van J. du Bois, predikant tot Leyden; genaemt Naecktheyt vande Cartesiaensche Philosophie* (Utrecht, 1656).

<sup>30</sup> Jacobus Du Bois, *Schadelickhey van de Cartesiaensche philosophie, ofte Klaer bewijs, hoe schadelick die philosophie is, soo in het los maecken van Godes H. Woordt, als in het invoeren van nieuwe schadelicke leeringen: tot antwoord op de tweede en vermeerderde druck van Doct. Velthuysens bewijs* (Utrecht, 1656); Lambert van Velthuysen, *Nader Bewys dat noch de leere van der sonne stilstant, en des aertryx beweging noch de gronden vande philosophie van R. des Cartes strydig sijn met Godts woort. Gestelt tegen een tractaet van J. du Bois ... genaemt Schadelickhey van de Cartesiaensche philosophie* (Utrecht, 1657).



to achieve ‘a great and memorable deed’ and carried away by a boldness ‘beyond the customary limits of navigation’ (p. 66) is, in fact, Van Velthuysen himself. Despite being well aware that he would be subjected to violent criticism, he was nevertheless undaunted by the manner in which his text might be received. Unlike Descartes, who often seemed concerned with the reactions of the public and the theologians, Van Velthuysen’s awareness of the risk he was taking did not cause him undue worry. What is more, he knew that he could not expect a great deal of support—be it academic or social—and did not go in search of assistance: ‘Everyone knows how dangerous an undertaking it is to presume to define fundamental articles, especially for a private individual who is protected by no defences and lies open to every thrust of false accusation’ (p. 58). It is true that he submitted his manuscript to Etienne de Courcelles at the same time as that of the *Disputatio de Finito et Infinito*; de Courcelles approved of his analysis of Hobbes and encouraged him not to allow his critics to distract him, which was certainly a source of strength for him.<sup>31</sup> Nevertheless, the enterprise carried a certain amount of risk, yet Van Velthuysen did not shy away from that.

### *Publication and Criticism of Hobbes in the Netherlands*

When the *Epistolica dissertatio* was published in 1651, the Netherlands had already played a considerable part in publishing and disseminating Hobbes’s writings.<sup>32</sup> From a publisher’s point of view, this should come as no surprise if we consider the importance of these provinces in the overall production and circulation of printed matter in Europe at the time.<sup>33</sup> In 1647, the well-known publisher and printer Louis Elzevier published *De Cive* in Amsterdam.<sup>34</sup> This second edition (the first had been published in Paris in 1642) was supplemented with annotations and based on a copy of the original edition acquired by Sorbière. That same year, Elzevier published two further editions, with others following in 1657 and 1669. It was also in Holland that Johan Blaeu, another prominent printer, published the French

<sup>31</sup> Cornelis W. Schoneveld, *Intertraffic of the Mind. Studies in Seventeenth-Century Anglo-Dutch Translation* (Leiden, 1983), pp. 58–62.

<sup>32</sup> ‘Macte isto animo, et perge hac via contemptis fortiter imperitorum obtreactionibus grassari ad gloriam, beneque de publico mereri’, Courcelles to Van Velthuysen, 27th May 1650, in Vermeulen, “‘Convenimus in praecipuis’”, pp. 164–165.

<sup>33</sup> Chr. Berkvens-Stevelinck, H. Bots, P.G. Hoftijzer and O.S. Lankhorst (eds), *Le Magasin de l’univers. The Dutch Republic as the centre of the European book trade* (Leiden, 1992).

<sup>34</sup> Thomas Hobbes, *Elementa philosophica de cive*, 2nd edn (Amsterdam, 1647).

translation of the work, once again obtained by Sorbière, under the title *Elemens Philosophiques du Citoyen*.<sup>35</sup> Two further editions of this work also came out in 1649. Later on, this eagerness to publish Hobbes continued, and five editions of Hobbes came from the Amsterdam presses between 1667 and 1672.

These editions included a Dutch translation of *Leviathan*, published in 1667 by Jacobus Wagenaar.<sup>36</sup> Lambert van Velthuysen was long thought to be the author of that translation, precisely because of his 'apology' of *De Cive* (that is, the *Epistolica dissertatio*), until the true author was identified for certain: it was a doctor, Abraham van Berkel (1639–1688), who lived in Leiden and had been noted for his 1665 Dutch translation of a text that had made a major impact since its publication in English in 1643 and then in Latin in 1644: Thomas Browne's *Religio Medici*.<sup>37</sup> His friendships with certain members of Spinoza's 'circle', such as Lodewijk Meyer and Adriaan Koerbagh, kept Abraham van Berkel in close proximity with the ideas circulating in that intellectual milieu.<sup>38</sup> In 1668, an edition of Hobbes's *Opera Philosophica*, including Hobbes's Latin translation of *Leviathan*, was published by Johan Blaeu.<sup>39</sup> This was followed in 1669 by a republication of *De Cive* in Latin, in 1670 by a republication of *Leviathan* in Latin, and in 1672 of the Dutch translation of *Leviathan*. Finally, in 1675, despite the conservative political and theological change that took place following the end of Johan de Witt's republic, a Dutch translation of *De Cive* was published in Amsterdam without featuring the publisher's name.<sup>40</sup>

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<sup>35</sup> Thomas Hobbes, *Elemens philosophiques du citoyen. Traicté politique, où les fondemens de la Société civile sont découverts ... Traduits en François par un de ses amis* (Amsterdam, 1649).

<sup>36</sup> Thomas Hobbes, *Leviathan: of van de stoffe, gedaente, ende magt van de kerckelyke ende wereltlycke regeeringe* (Amsterdam, 1667).

<sup>37</sup> The work, owing to its ambiguous and provocative title, quickly attracted public attention and became a source of concern to orthodox theologians. Its preface, in the Dutch translation by Abraham van Berkel, was much in favour among the state party and the liberal minds around Johan de Witt; see Cornelis W. Schoneveld, 'Holland and the Seventeenth-Century Translation of Sir Thomas Browne's *Religio Medici*', in J. van Dorsten (ed.), *Ten Studies in Anglo-Dutch Relations* (Leiden, 1974), 128–171.

<sup>38</sup> On Adriaan Koerbagh, see Michiel Wielema, 'Adriaan Koerbagh: biblical criticism and Enlightenment', in Van Bunge (ed.), *Early Enlightenment in the Dutch Republic*, 61–80; Adriaan Koerbagh, *A Light Shining in Dark Places, To Illuminate the Main Questions of Theology and Religion*, ed. Michiel Wielema, Brill's Texts and Sources in Intellectual History, 12 (Leiden, 2011).

<sup>39</sup> Thomas Hobbes, *Opera philosophica, quae Latine scripsit, omnia*, 8 vols (Amsterdam, 1668).

<sup>40</sup> Thomas Hobbes, *De eerste beginselen van een burger-staat* (Amsterdam, 1675).

Hobbes's printed work was therefore widely available to the Dutch public, who seem to have shown a certain amount of interest in the English philosopher's ideas from an early stage. In March 1643, Grotius wrote a letter to his brother expressing his wish to obtain a copy of a book he had heard praised: *De Cive*.<sup>41</sup> Problems with censorship only came about later on, for *Leviathan* was only banned in 1674, by the same Court of Holland bill that forbade Spinoza's *Tractatus theologico-politicus*, Frans Kuyper's *Bibliotheca Fratrum Polonorum* (a collection of Socinian texts), and Lodewijk Meyer's *Philosophia S. Scripturae interpres*.<sup>42</sup>

By 1651, when Van Velthuysen was engaged in his defence of *De Cive*, the debate had still only given rise to two real controversies in scholarly circles. The first incident centred on the argument that pitted Hobbes against Descartes with regard to certain metaphysical questions, particularly those concerning doubt, the human spirit and God. The content of these disagreements could be found in the 'Third Objections', collected with the five others by Mersenne and published in 1641 by Soly, in Paris, after the *Meditations*.<sup>43</sup> The second controversy occurred during the debate—organized in France by the Marquis of Newcastle—between Hobbes and bishop John Bramhall, both living in exile on account of the English Civil War. In France, the quarrel over Jansenism had just begun (Jansen's *Augustinus* had been published in Louvain in 1640, then in Paris in 1641), which may have been one of the reasons that caused the Marquis of Newcastle to question the two authors, who were both in Paris at the same time, on decidedly contemporary matters that interested him, such as free will and necessity. The argument continued, first privately in writing, at the request of the Marquis of Newcastle, and then publicly following an indiscretion by a friend of Hobbes who published—in London in 1654 and without the author's permission—the text that Hobbes had sent to Newcastle (*Of Libertie and Necessity*).<sup>44</sup> From 1656 to 1658, the

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<sup>41</sup> Hugo Grotius, *Briefwisseling van Hugo Grotius*, ed. Henk J.M. Nellen and Cornelia M. Ridderikhoff, Veertiende deel. 1643 (The Hague, 1993), p. 185, cited by E.H. Kossmann, *Political Thought in the Dutch Republic. Three Studies* (Amsterdam, 2000), p. 87.

<sup>42</sup> Ingrid Weekhout, *Boekencensuur in de Noordelijke Nederlanden* (The Hague, 1998), pp. 104–105.

<sup>43</sup> René Descartes, *Meditationes de prima philosophia, in qua Dei existentia et animae immortalitas demonstratur*, 1st edn (Paris, 1641).

<sup>44</sup> Thomas Hobbes, *Of libertie and necessity. A treatise, wherein all controversie concerning predestination, election, free-will, grace, merits, reprobation, &c. is fully decided and cleared, in answer to a treatise written by the Bishop of London-Derry, on the same subject. By Thomas Hobs. Dedicated to the Lord Marquess of New-Castle* (London, 1654).

controversy grew and spread to other points of doctrine.<sup>45</sup> Meanwhile, in 1652, Robert Filmer's *Observations concerning the original of government*, the first systematic critique of Hobbes's theory of natural law and the origin of political government, had been published in London.<sup>46</sup>

Although by 1651 the attacks against Hobbes had not yet properly begun, Van Velthuysen's text shows that his philosophy was given a mixed reception in the Netherlands: 'A man is beset by the latter suspicions if he espouses a teaching of some or other author that has been condemned for many serious errors or impiety. ... This being my present situation ...' (p. 57). Despite the points on which Van Velthuysen admitted disagreement with the author, in 1651—that is, four years after the first (Latin) edition of *De Cive* in Amsterdam—he was the first to devote such an openly favourable text to Hobbes, to discuss some of his ideas and, what is more, to explicitly defend him: '... continens Apologiam pro tractatu Clarissimi Hobbaei, *De Cive*'. A large number of copies of the book were sold quickly, and the critics acted swiftly.<sup>47</sup> If, unsurprisingly, part of the hostility towards Hobbes's theory came from university circles where—as stated above—the Aristotelian tradition and a commitment to the principle of a moderate monarchy were still prevalent, it was Calvinist theories that inspired Hobbes's first critics.<sup>48</sup> In 1653, a student named Gisbertus Cock, or Cocquius (1630–1708), opposed the political content of the doctrine in two disputations at the university of Utrecht.<sup>49</sup> In a second debate published in 1655, he returned to the ques-

<sup>45</sup> Samuel I. Mintz, *The Hunting of Leviathan* (Cambridge, 1970), pp. 10–13; Thomas Hobbes, *De la liberté et de la nécessité. Suivi de Réponse à la capture de Léviathan*, Tome 11/1 des œuvres complètes (Controverse avec Bramhall, 1). Introduction, traduction, notes, glossaires et index par Franck Lessay (Paris, 1993), Introduction, pp. 11–14, 56–118. The texts can also be found in Vere Chappell (ed.), *Hobbes and Bramhall on Liberty and Necessity* (Cambridge, 1999).

<sup>46</sup> Sir Robert Filmer, *Observations concerning the original of government, upon Mr Hobs Leviathan: Mr Milton against Salmasius: Hugo Grotius De Jure Belli* (London, 1652). It would be wrong, however, to restrict the early reception of Hobbes to the negative reaction and refutations it provoked. On the contrary, Quentin Skinner has highlighted the major interest that his scientific exchanges, which took place during his exile in France, aroused in the 'République des Lettres', an interest that would continue even after Hobbes returned to England in 1651; see Quentin Skinner, 'Thomas Hobbes and his disciples in France and England', *Comparative Studies in Society and History*, 8 (1966) 153–167, pp. 154–156.

<sup>47</sup> 'Quin gratæ sint [= lucubrationes tuas] multis dubitare non sinit earum satis magna intra breve tempus a typographo facta distractio.' Courcelles to Van Velthuysen, 19 May 1651, in Vermeulen, "Convenimus in præcipuis", p. 169.

<sup>48</sup> See Kossmann, *Political Thought in the Dutch Republic*, pp. 27–52.

<sup>49</sup> Gisbertus Cocquius (Resp. & Auth.), *Exercitationis philosophico-theologicae de lege in communi pars prior*, Praes. Andreas Essenius (Utrecht, 1653); *idem, Exercitationis philoso-*

tion of Hobbes's concept of sovereignty.<sup>50</sup> In 1668, when these discussions were republished, he was also able to make reference to *Leviathan*, as it had just been published in translation in 1667.<sup>51</sup> In the meantime, this former student of Voetius had become minister at Kockengen near Utrecht. Cocquius's criticism was highly representative of the objections generally addressed by the Voetians. Besides the moral utilitarianism, these orthodox theologians fiercely objected to the idea of absolute sovereignty they found in Hobbes and continually put forward the constitutionalist tradition of popular sovereignty and the right of resistance. Their main references were to Calvinist doctrine, with a particular insistence on Althusius's *Politica methodice digesta*, as was the case with Cocquius.<sup>52</sup> Generally speaking, it should be recalled that, alongside classical philosophy, Calvinist political theory long remained a subject of discussion at the universities.

### *The Main Themes of the Epistolica dissertatio*

#### *The First Principle: Self-Preservation*

The *Epistolica dissertatio* is presented as a letter addressed to an anonymous correspondent, whom Van Velthuysen describes as an 'uncommonly learned philosopher, a man to whom I was most eager to recommend myself, but with whom—hence the reason for the letter—he is in disagreement: he 'disagreed with me on certain points' (p. 57). Who might this correspondent be? Was he fictitious or real? This technique of holding a

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*phico-theologicae de lege in communi pars altera*, Praes. Andreas Essenius (Utrecht, 1653). These were later published together as *idem, Vindiciae pro lege & imperio: sive Dissertationes duae ... contra tractatum Hobbi De cive* (Utrecht, 1661).

<sup>50</sup> Gisbertus Cocquius, *Disputatio philosophica de conceptu entis, iride, ac exemptione principis a legibus* (Utrecht, 1655); see G.O. van de Klashorst, H.W. Blom and E.O.G. Haitsma Mulier (eds), *Bibliography of Dutch seventeenth century political thought: an annotated inventory, 1581–1710* (Amsterdam, 1986), nos 191, 201, 270, 296.

<sup>51</sup> Gisbertus Cocquius, *Hobbes ἐλεγχμενος, sive Vindiciae pro lege, imperio, & religione, contra tractatus Thomae Hobbesii, quibus tit. De cive & Leviathan* (Utrecht, 1668); for an analysis of the texts, see Catherine Secretan, 'La réception de Hobbes aux Pays-Bas au XVIIe siècle', *Studia Spinozana*, 3 (1987) 27–46. In 1680, Cocquius published a lengthy refutation of Hobbes's ideas on religion, under the title *Hobbesianismi anatome, qua innumeris assertionibus ex tractatibus De homine, cive, Leviathan juxta seriem locorum theologiae christianae philosophi illius a religione christiana apostasia demonstratur, & refutatur* (Utrecht, 1680); Klashorst et al. (eds), *Bibliography of Dutch seventeenth century political thought*, nos 270, 296.

<sup>52</sup> Johannes Althusius, *Politica methodice digesta atque exemplis sacris et profanis illustrata. Cui in fine adjuncta est oratio panegyrica de utilitate, necessitate & antiquitate scholarum* (Herborn, 1603).

debate in the form of an exchange of letters was a commonly used rhetorical device; one that, naturally, by no means presupposed the existence of an actual recipient. Nevertheless, one possibility is that it could be Descartes, since the 'list of absurdities that seemed to follow from the principles of the learned Mr. Hobbes', which constituted the point of departure for this response, could be likened to the sentiment expressed by Descartes in a letter addressed to an unnamed Jesuit in 1643. Writing about the author of *De Cive*, Descartes said that he found it impossible to approve of his

principles or his maxims. They are extremely bad and quite dangerous in that he supposes all persons to be wicked, or gives them cause to be so. His whole aim is to write in favour of the monarchy; but one could do this more effectively and soundly by adopting maxims which are more virtuous and solid. And he writes with such vehemence against the Church and the Roman Catholic religion that I do not see how he can prevent his book from being censured, unless he is given special support from some very powerful quarter.<sup>53</sup>

However, there is no concrete evidence to support this theory. It is worth mentioning that the terms used by Van Velthuysen with regard to his addressee ('if the fates had granted him a longer life', p. 59) had led to a strange misunderstanding: some thought that Hobbes was dead.<sup>54</sup> In any case, what we can surmise of the intellectual profile of this recipient nevertheless lends the words that follow a specific direction. This is a correspondent who appears to be raising objections over the Hobbesian definition of natural law and the ensuing consequences for the origin of society and the foundations of justice. Van Velthuysen then endeavours to prove that 'the natural laws and such things as more immediately flow from them have been legitimately demonstrated by Hobbes' (p. 58). The theme of his writing is narrowly defined, all the more so considering that before he even begins

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<sup>53</sup> René Descartes, *The Philosophical Writings of Descartes*, ed. John Cottingham, Robert Stoothoff, Dugald Murdoch and Anthony Kenny, 3 vols (Cambridge, 1985–1991), vol. 3, p. 231; *Oeuvres de Descartes*, vol. 4, p. 67.

<sup>54</sup> As can be seen in a letter from François du Verdus to Hobbes dated 30th October 1656: 'Je receus il y a deux jours vostre lettre du 14.eme 7.bre. Elle me dona beaucoup de joye: car j' étois bien en peine de vous. Mr. Bourdelot m' avoit écrit de Paris qu' un Anglois disant le sçavoir fort bien, assuroit que vous estiez mort ... car depuis l' édition d' un certain livre (intitulé si ie ne me trompe de principijs justi et decori) on m' a souvent battu les oreilles de ce faux bruit là: l' auteur de ce livre ... ayant mis dans sa Préface en parlant de vous, que fatis concessisti.' (Noel Malcolm (ed.), *The Correspondence of Thomas Hobbes*, 2 vols (Oxford, 1994), vol. 1, pp. 319–320.) François Bonneau, sieur du Verdus, was the author of the second translation into French of *De Cive*, published in 1660 under the title *Les Elemens de la politique*. Sorbière had published the first translation in 1649, entitled *Les Fondemens de la politique*.

Van Velthuysen warns his reader that he will not be tackling anything that, in the latter part of *De Cive*, concerns politics and religion, both for reasons of thematic consistency and on account of his disagreement with Hobbes on those matters:

Although I consider the remaining chapters to deserve every praise for the exceptional industry that is everywhere revealed in them, I nevertheless wish to have nothing to do with them, and I would have added what I judge to be blameworthy in them if that had not been wholly foreign to my purpose ... (p. 58).

The *Epistolica dissertatio* is, therefore, primarily devoted to establishing a 'science of morals' (p. 57).

The importance of *De Cive* in this undertaking lies in the method Van Velthuysen claims to have found in it:

The primary aim of this work is to demonstrate that the procedure observed by the learned Mr Hobbes in deriving the natural laws and what is contained in the first chapters is a legitimate one. (p. 58)

He refers back to this several times: '... and this seems to me the only true method ...' (p. 71); '... according to the method I am proposing ...' (p. 116). And yet, what are we to understand by this idea of 'method' on which Van Velthuysen is so insistent and which proves to be one of the key ideas of his writing? As with Hobbes in *De Cive*, it is 'a principle, by experience known to all men and denied by none'.<sup>55</sup> That principle gives rise to a dual approach: it indicates both the means that enable one to correctly deduce, from a primary law, all those laws that depend on it, and also shows how to arrive at that beginning point from which everything else flows; in other words, it leads to the very reasons for its own legitimacy. On this second point, Van Velthuysen's approach uses the Cartesian practice of methodical doubt. The reflective operation he describes implies a subjective experience that is very close to the *cogito*:

If I may, I shall imagine myself empty of all learning, destitute of all principles except those which I asked to be granted to me above. Thus, I know that God exists, that He created the world in wisdom, that He proposed to Himself an end, and, in consequence, that He has ordained the means for its attainment. (p. 71)

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<sup>55</sup> Bernard Gert (ed.), *Man and citizen: Thomas Hobbes's 'De homine' translated by Charles T. Wood, T.S.K. Scott-Craig, and Bernard Gert, and 'De cive', translated by Thomas Hobbes, also known as 'Philosophical rudiments concerning government and society'* (Humanities Press; Harvester Press, 1978), p. 99.

By these means, the spirit discovers the divine plan, the rationality of a world order that man cannot escape, and the duty that such dependence prescribes to him. At the same time, this kind of discovery implies that the conditions of morality are accessible to human understanding, since man cannot remain ignorant of the laws that govern a system to which he belongs.

In the second edition, some variants shed new light on what Van Velthuisen understands by 'method'. Indeed, the *Epistolica dissertatio* displays the unusual characteristic of being considerably modified between two editions. Far from being anecdotal, those variants—some of them very long—decisively strengthen, complete or qualify Van Velthuysen's reasoning. One concerns precisely the notion of 'method'. In the first version, the author limited himself to the claim that his method came from Hobbes and that it allowed a rational deduction of the primary natural laws. In the second version, Van Velthuysen clarifies this by establishing a link with the principle of 'self-preservation':

The primary aim of this work is to demonstrate that the procedure I observe in deriving the natural laws is a legitimate one, laying down self-preservation as the fundamental law and that from which the others emanate. (p. 58, n. 4)

The addition is pivotal in that it paves the way, in line with the general economy of the second version, for the principle of self-preservation to come to the forefront. Certainly, the desire for self-preservation already featured as the expression of a divine plan and a means of establishing a naturalist morality, but it was limited to a preservation instinct:

Above all, I perceive that there is in me the utmost desire to keep myself safe and sound. To this desire are subordinated the appetites of eating, drinking and revenge, and the feelings of love and pain ... (p. 78)

In the second version, this principle becomes a logical guide to ontology and the knowledge of natural laws. Such a reality can be grasped through a subjective experience to which the reader is explicitly invited in the second version of the *Epistolica dissertatio*:

But, seeing that I experience within myself such a strong desire to preserve myself that it could not have arisen from me, and yet is so deeply engrafted and ingrained, so to speak, in my blood and in my bones, that it cannot be expelled or plucked out by me (p. 77, n. 31)

At the same time, the existential experience of the rationality of desire proves to be the best method by which to understand the divine plan. We might consider Van Velthuysen's approach as leading to a theologization of Hobbes's thought, and if the claim to represent a philosophy considered



‘atheist’ in its day in order to try to establish a theologically acceptable utilitarian basis for virtue is paradoxical, we can also see how the rhetoric of his second version enabled Van Velthuysen to hold a rational discourse without contradicting the idea of a divine Providence, very much in the tradition of natural law as established by Grotius.

Within this remarkable syncretism of the philosophies of Descartes and Hobbes, Van Velthuysen draws from the psychology of passions the basis for his moral psychology: passions are neither good nor bad and should not be suppressed. On the contrary, they prove to be the perfect instrument of Hobbesian self-preservation, telling us, by means of pain or pleasure, what is good or bad for us:

If, therefore, men seem more inclined to embrace some particular objects and to avoid others, that does not point towards some disposition of the soul imparted to them from the very beginning. Rather, it indicates either a disposition established through use, or a property of certain passions or the temperament, which does not permit a man to engage in things to which the nature or motion of the spirits renders him little suited ... Thus, pain is again the reason why we seem naturally to avoid some things and to embrace others. (p. 96)

The role of the passions is to help the individual find what the ‘appropriateness’ demands, as regards his self-preservation.<sup>56</sup> We can therefore see that by combining two major influential trends, those of Descartes and Hobbes, at the beginning of his discourse, Van Velthuysen succeeds in establishing a naturalist morality:

I nevertheless consider the principle of self-preservation, when suitably explained, to be good and correct, and if anyone should chart a course in moral philosophy according to it, with the occasional and brief change of direction, I believe that he can successfully reach his port. (p. 67, n. 24)

The title chosen for this discourse, which refers to the fundamental Ciceroian concepts of *justum* and *decorum*, highlights both the rational and the practical direction of the project. Indeed, while virtue identifies with a rule that is deduced from observing nature, it is obtained through a rational search for that which is in accordance with nature. One of the main points

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<sup>56</sup> It is interesting to compare the explanation Van Velthuysen gives for the union of the body and the soul, and for affections, with certain passages of René Descartes, *Les passions de l'âme*, particularly I, 10 and II, 52.

of Cicero's teaching is precisely how to obtain knowledge of the appropriate action in response to specific situations.<sup>57</sup>

By borrowing Hobbes's idea of basing natural law upon the principle of self-preservation, Van Velthuysen discovered the possibility of deducing moral obligation on a purely immanent basis. It was this immanentism of the first principle that clearly seduced the author of the *Epistolica dissertatio*. It gave him an argument with which to free law and morality from theology, as Grotius did at the beginning of his treatise *De jure belli ac pacis*, with his famous formula 'Etiam si daremus non esse Deum':

And indeed, all we have now said would take place, though we should even grant, what without the greatest Wickedness cannot be granted, that there is no God, or that he takes no Care of human Affairs.<sup>58</sup>

Like Grotius, Van Velthuysen's 'defence' of Hobbes is presented as a treatise on practical and secularized morality. Van Velthuysen becomes the open defender of a morality that is independent from biblical revelation and founded on a world order that God is unable to change: 'God cannot now render any of these laws powerless' (p. 71).<sup>59</sup> It is no surprise, then, that he firmly advocated, in the long preface that introduces his work, the usefulness of following Hobbes's 'method'—and, more generally, 'of what is transmitted by new authors'—when establishing a moral and political doctrine, and he warns his readers against the passions that can cloud a sincere search for truth.<sup>60</sup>

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<sup>57</sup> 'First, we understand a seemliness of a general kind, involved with honourable behaviour as a whole, and secondly, something subordinate to this, which relates to an individual element of what is honourable. The former is customarily defined something like this: what is seemly is that which agrees with the excellence of man just where his nature differs from that of other creatures. Their definition of the part subordinate to this takes the seemly to be that which agrees with nature in such a way that moderation and restraint appear in it, along with the appearance of a gentleman.' (Cicero, *On Duties*, ed. M.T. Griffin and E.M. Atkins (Cambridge, 1991), p. 38.)

<sup>58</sup> Hugo Grotius, *The Rights of War and Peace, Book I*, edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac (Indianapolis, 2005), p. 38.

<sup>59</sup> This is one of the points on which the German jurist and philosopher Samuel Pufendorf (1632–1684) disagreed with Van Velthuysen. Indeed, both authors had read and commented upon each other; see Manuela Scribano, *Da Descartes a Spinoza. Percorsi della teologia razionale nel Seicento* (Milan, 1988), pp. 148–150; Hans W. Blom, *Causality and Morality in Politics. The Rise of Naturalism in Dutch Seventeenth-Century Political Thought*, Proefschrift Universiteit Utrecht (Rotterdam, 1995), pp. 118–120. Pufendorf had four copies of Van Velthuysen's works in his library, among which the 1651 edition of the *Epistolica dissertatio*; see Fiammetta Palladini, *La Biblioteca di Samuel Pufendorf. Catalogo dell'asta di Berlin del settembre 1697* (Wiesbaden, 1999), pp. 417–418.

<sup>60</sup> The reference to 'new authors' was added in the 1680 version; see p. 63, n. 13.

*Virtue and Sin*

To base the rules of morality not on a transcendent will but on the immanent order of nature transforms justice into truth: 'Neither do I wish the word "truth" to be understood in any other way, so that when the discussion concerns "justice" it does not differ from the latter in meaning' (p. 68). Accordingly, what is right appears to be what is in harmony with the order of nature; what is wrong, whatever is opposed to that. Nevertheless, such a basis is, according to Van Velthuysen, not sufficient to lead man towards virtue. Knowing the world to which we belong does not carry the force of a moral obligation:

For even though the notions of seemliness and unseemliness may become apparent through the order established in the world, I still do not see that it can thence be deduced that it is man's duty to pursue that beautiful thing if he may gain more pleasure from something unsightly. (p. 70)

Hence the need to have recourse to the idea of a divine justice and to lead man towards virtue by creating the hope of a reward or the fear of punishment: '... it is of importance for man to strive after virtue so that he may provide himself with benefits and avoid misfortunes' (p. 69). This helps us to understand Van Velthuysen's criticism of Spinoza in his letter to Jacob Ostens dated 21 January 1671: 'He locates man's highest pleasure in the cultivation of virtue, which he says is its own reward and the stage for the display of all that is finest.'<sup>61</sup> Even more so, however, this disagreement heralded the broader refutation of Spinoza's philosophy that was made in the *De cultu naturali et origine moralitatis oppositus Tractatui Theologico-Politico et Operi Posthumo B.D.S.*, which remained unseen until it was published in the *Opera omnia* in 1680.<sup>62</sup>

The revised 1680 version adds an important qualification to this utilitarian discourse—for which Van Velthuysen had been strongly criticized, as he complained ('If certain persons had well understood these distinctions, they would not have unthinkingly mocked our principles which derive

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<sup>61</sup> 'Ponit [Spinoza] tamen summam voluptatem hominis in cultu virtutis, quae ipsa sibi praemium et theatrum amplissimorum esse dicit.' (Benedictus de Spinoza, *The Letters*, translated by Samuel Shirley; introduction and notes by Steven Barbone, Lee Rice and Jacob Adler (Indianapolis, 1995), p. 227.)

<sup>62</sup> See Henri Krop, 'Spinoza and the Calvinistic Cartesianism of Lambertus van Velthuysen', *Studia Spinozana*, 15 (2006) 107–132, which makes an in-depth analysis of the points on which Van Velthuysen and Spinoza disagreed (condition of possibility of morality, fatalism, identifying God and nature, interpreting Scripture).

the origin of friendship and charity from need', p. 76)—as if to lessen its radicalism and enable a reconciliation with Calvinist theology. This is the intention in the first long addition to the text, which establishes a distinction between man's perfection in his original state and his corruption after the Fall. Whereas, in the 1651 text, Van Velthuysen limited himself to the statement that 'From all that has been said before, it is concluded that there exist moral virtue and vice, and that it is the duty of man to pursue the former and to flee the latter', the 1680 version expands much further on this, making a distinction between moral obligation before and after the Fall:

Thus, I did not wish from the above to assemble a formal demonstration of virtue, but to show why even now after the Fall of Man, which upset and threw everything into confusion, it is of importance for man to strive after virtue so that he may provide himself with benefits and avoid misfortunes. This is another way of considering virtue than that which had its use in the state of innocence. (p. 69, n. 27)<sup>63</sup>

Van Velthuysen therefore considered it necessary to bring the idea of original sin into his argument in order to reassure the reader that the Fall of Man made a utilitarian basis for morality inevitable.<sup>64</sup> In doing so, he gave this new element an essential epistemological function, which consists in creating a division between two orders of knowledge: the one based on reason and the other on revelation. The legitimacy of a rational interpretation of the world comes from the fact that man, 'overcome with sin', no longer has access to original knowledge, and henceforth finds himself forced to seek the mediation of discursive reason in order to deduce the aims of Providence: 'In the same way, the order observed in the world can direct us in our actions and indicate what is the duty of every man' (p. 77). The second

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<sup>63</sup> The argument reappears further on (p. 78, n. 33).

<sup>64</sup> On the subject of original sin, Van Velthuysen felt compelled to assert his position in a debate that was of great importance throughout the second half of the seventeenth century: that of the nature of original sin and its transmission from parents to children. Calvinist orthodoxy (of which Gisbertus Voetius was one of the most active representatives) refused to see it as an imperfection passed on from generation to generation, interpreting it instead as an essential corruption in man (see Michael Heyd, 'Péché originel et responsabilité morale. Deux débats dans le calvinisme à la fin du XVII<sup>e</sup> siècle', in O. Elyada and J. Le Brun (eds), *Conflits politiques, controverses religieuses* (Paris, 2002), 177–208). In the *Epistolica dissertatio*, Van Velthuysen gives a naturalistic explanation of evil, which he defines as a natural inclination that is diverted from its path by the will as a result of particular circumstances: 'The inclination towards evil now includes the inclination towards objects that are of a most agreeable nature in themselves but become harmful and evil according to circumstances' (p. 100).

edition did not retain the long 'Probatio' that appeared at the end of the text and which was intended to show that rational knowledge does not conflict with the teaching of Holy Scripture.<sup>65</sup>

This argument, as it was restructured around two forms of knowledge, reason and revelation, had the additional advantage of providing a theologically acceptable justification of moral utilitarianism and establishing a truly secularized morality by finding a heuristic principle accessible to all.<sup>66</sup> As the author of the *Epistolica dissertatio* had also taken care to dispel any accusations of atheism by declaring the existence of God and the reign of Providence 'beyond controversy' (p. 68), the principle of self-preservation became the basis for deducing natural religion: 'It would be easy for me to deduce the whole of natural religion by this method, if such a digression were not entirely inappropriate to this work' (p. 77). While Van Velthuysen did not intend to make a full presentation of this point, he nevertheless returned to the content of this minimal credo on a number of occasions. It represented a theological position shared by authors such as Grotius, Spinoza and Lord Herbert of Cherbury and inspired by the desire to restore peace among Christians that would transcend divisions within the Church. The Arminian nature of this theological position has already been highlighted, and such a position holds with the friendships that formed between Van Velthuysen and certain members of Remonstrant circles, such as Etienne de Courcelles and Arnold Poelenburg.<sup>67</sup> 'Finally, I do not deny that man is greatly inclined to embrace certain teachings, for example that there is a God, that universal judgement must be awaited, that the soul is immortal, ...' (p. 98). The *Epistolica dissertatio* thus lists the few points of faith that are essential for civil harmony. Such a theological approach to the fundamental

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<sup>65</sup> The arguments put forward in this final part of the *Epistolica dissertatio* resulted from the method of scriptural interpretation that Van Velthuysen had recommended (see p. 11 above). This would allow us to understand everything that is related to the utility of virtue, the need for acts of charity and the definition of *decorum* seen as a consequence of original sin—all these questions were included or developed in the revised 1680 version. There was no longer any reason to keep the 'Probatio' in the second edition of the *Epistolica dissertatio*.

<sup>66</sup> The line of argument followed in the *Epistolica dissertatio* was not unusual in the seventeenth century: others of the same kind, dealing with the problem of knowledge and the relationship between theology and physics, gave a similar role to the idea of the fall into original sin. At the height of the heliocentrism crisis, this idea enabled Cartesians to justify the investigation of physical reality, which was the only knowledge that man—deprived of a perfect understanding of nature on account of sin—could attain. In general terms, this distinction made it possible to base the validity of philosophical and rational knowledge on a Christian perspective; Dibon, *Regards sur la Hollande*, p. 748.

<sup>67</sup> See Blom, *Causality and Morality*, pp. 124–125.

tenets of Christian belief was not without political significance in the 17th century, insofar as it allowed people to make a distinction between interior and exterior religion, and from there to understand the *jus circa sacra* in a rather Erastian way: the Church should be subordinated to the civil authority in all that concerned its organization; its competence only applied to matters of faith. Van Velthuysen was thus aligning himself with arguments fiercely debated in the conflict between Remonstrants and orthodox Calvinists three decades earlier. The followers of Arminius, at the beginning of the century, had similarly advocated the subordination of Church organization to civil power. Grotius, one of the first, had given this matter a systematic introduction in his *De imperio summarum potestatum circa sacra* of 1614.<sup>68</sup>

For Van Velthuysen, two kinds of sin result from man's relation to the world: those committed against 'natural decency' (what is naturally proper and fitting) and those committed against oneself. Any attack on man's physical or moral faculties, any custom contrary to God's aim, constitutes a sin. Furthermore, the 1680 edition added to the list anything that wounds a man's dignity ('... or, forgetting his dignity, a man does something that can draw him into contempt or hatred', p. 79, n. 35). This last case is the subject of several long developments that Van Velthuysen added to his first edition. While his doctrine did not undergo any fundamental changes from one version to the next, the new focus of argument on the distinction between a state of original perfection and a state of corruption was one of the major additions of the new edition, which led him to shift the emphasis away from the notion of *decorum*: whereas earlier there had been simply the statement of the innocence of the original state as opposed to a sense of decency aroused by the shame produced by sin, a long modification (p. 101, n. 71) introduces an additional subdivision between natural decency (before sin) and human dignity (after sin). What did this new revision add in particular? Evidently, a theoretical answer to the twofold problem raised, first, by the discovery of cultures outside Europe—which challenged the universality of some of our categories—and, second, by the utilitarian aspect of the idea of self-preservation. As regards the first point, to what purpose should incest or public nudity be forbidden in societies in which these are common practices?

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<sup>68</sup> See Hugo Grotius, *De imperio summarum potestatum circa sacra*, Critical edition with Introduction, English Translation and Commentary by Harm-Jan van Dam, 2 vols (Leiden, 2001); Jacqueline Lagrée, *La raison ardente. Religion naturelle et raison au XVII<sup>e</sup> siècle* (Paris, 1991), pp. 43–60, 227–230.

... you will not easily persuade nations whose marriage contracts lack the conditions that Christians urge should be present that greater benefit will accrue to the state if they change over to Christian customs. Much less will you prove by reason that marriages called incestuous by Christians are contracted in opposition to the dictate of natural law, or that covering the genital organs is prescribed by natural law. (p. 85)

Van Velthuysen had already come across this problem in the first version of his text, and he was probably aware that an explanation was needed.<sup>69</sup> And yet the solution lay precisely in the notion of sin when conceived as a radical rupture in man's moral nature: 'Rather, the nature of those sins must be derived from the second laws of nature that have their foundation in the wretched state into which man threw himself headlong by sinning' (p. 86, n. 43). A response based on the consensus of the nations is of no use ('... if natural law becomes known to us by the consensus of more civilized nations, who, pray, will decide which are those more civilized nations?', p. 88), so Van Velthuysen rejects it (and again on p. 149) in terms very close to those used by Hobbes:

If any man say that somewhat is done against the law of nature, one proves it hence; because it was done against the general agreement of all the most wise and learned nations: but this declares not who shall be the judge of the wisdom and learning of all nations.<sup>70</sup>

With regard to what is usually considered debauchery, and anything that deviates from Christian marriage, like polygamy and divorce, Van Velthuysen begins by stating that there is no sin in this: 'Nobody, therefore, can prove by sound reason drawn from nature that concubinage, polygamy, or divorce in the absence of adultery is a sin' (p. 85). He later refers back to this judgement, stating that, 'The baseness of which sins can be demonstrated from

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<sup>69</sup> Indeed, in the first version he mentions in passing an explanation that he does not actually provide: 'There can therefore be no dispensation from natural laws, so that marriages now regarded as incestuous are such by the force of another law' (p. 87). Furthermore, the problem seems to have been raised by Etienne de Courcelles when, in a letter to Van Velthuysen dated 27th May 1650, he mentions the two points on which he does not agree with the analysis made in the *Epistolica dissertatio* manuscript: 'Non puto omnia illa quae vulgo incestorum nomine veniunt naturae lege prohiberi; sed quaedam tamen illuc omnino refero, veluti si filius cum matre consuescat, et similia. Ut ita sentiam inter alia istud me movet quod lego apud Mosem Levit. 18, 24 et sequentibus et 20,22, Deum propter eiusmodi nefandos concubitus Cananaeae incolas delere statuisse. Tam graviter autem adversus eos qui nullam positivam legem habebant non effervisset, nisi naturae legem violassent' (Vermeulen, "Convenimus in praecipuis", p. 165).

<sup>70</sup> Gert (ed.), *Man and citizen*, II, 1.

the first laws of nature and the first condition of man before sin' (p. 86, n. 43). This was the subject of one of the longest modifications made to the original text, intended to give virtue a basis in reason, despite the objections that could be found in diverse moralities or religious practices: 'It is not correct, however, to deduce from this that the duties of shame and modesty do not flow from nature or cannot be deduced by right reason' (p. 104, n. 71). On this point Van Velthuysen carries out a major overhaul of his reasoning, the main aim being to show that the sense of decency, although it only came about after the Fall, is not part of morality but, rather, truly constitutes a virtue. The importance given to the question of *decorum* in the revised version of the *Epistolica dissertatio* can be compared with the treatise that Van Velthuysen decided to devote to this very matter in 1676.<sup>71</sup> In short, Van Velthuysen categorized sins committed against 'the dignity of man' among the marks of imperfection that go against man's nature. These went from neglecting one's body to altering one's highest faculties:

And hence I infer that the actions, gestures and gaits that indicate the imperfections from which God wished man to be free are prohibited by nature, and He shows this through the actual combination of gifts that manifest themselves through other gestures and the construction of the body. (p. 106)

For Van Velthuysen, the duty to find a harmony between how an individual presents himself and his social position, although it is relative to the ways and customs of a given society, is part of one's moral obligations.<sup>72</sup> Spinoza discusses a similar concern in his *Political Treatise*:

And these are points that concern the foundations of this sort of government; to which I will add some few others less essential indeed, but yet of great importance. Namely, that the patricians, when they walk about, should be distinguished by some special garment, or dress, and be saluted by some special title; and that every commoner should give way to them; and that, if any patrician has lost his property by some unavoidable misfortune, he should be restored to his old condition at the public expense; but if, on the contrary, it be proved that he has spent the same in presents, ostentation, gaming,

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<sup>71</sup> Lambert van Velthuysen, *Tractatus moralis de naturali pudore et dignitate hominis in quo agitur, de incestu, scortatione, voto caelibatus, conjugio, adulterio, polygamia et divortiis, etc.* (Utrecht, 1676). It is the reference to this treatise (p. 106, n. 71) that provides the *terminus a quo* for the revision of the *Epistolica dissertatio* for its publication in the *Opera omnia*.

<sup>72</sup> This aspect of Van Velthuysen's thought is dealt with at greater length in Catherine Secretan, 'Une morale pour le siècle d'or hollandais: le traité "Des principes du juste et du convenable" (1651) de Lambert van Velthuysen', *Bulletin de la Société de l'Histoire du Protestantisme français*, 145 (1999) 9–29.



debauchery, &c., or that he is insolvent, he must lose his dignity, and be held unworthy of every honour and office. For he, that cannot govern himself and his own private affairs, will much less be able to advise on public affairs.<sup>73</sup>

Dutch society was already aware of the moral meaning that such gestures, physical demeanour and facial expressions could have, as Van Velthuysen's text repeated directly, going so far as to give these social codes a theological basis: '... just as man has been created in the image of God in both body and soul, so the external fabric of the body manifests the internal endowments of the soul' (p. 107). We can perceive the effects of a particular kind of aristocratization of Dutch society, which began during the 1660s and sparked an interest in manuals of politeness. Baldassar Castiglione's *Il libro del Cortegiano* (1528) caused a major stir among the European elite.<sup>74</sup> In the Netherlands, it was translated into Dutch in 1662 but, by 1657, Nicolas Faret's French paraphrasing of the book (*L'honneste homme, ou l'Art de plaire à la cour*, 1630), had already been translated by the writer and painter Samuel van Hoogstraten.<sup>75</sup> These guides to 'good manners' provided highly detailed descriptions of the rules of *decorum*, and we should not be surprised to see the *Epistolica dissertatio* indulging in such mundane considerations as those concerning bodily hygiene or the fulfilment of one's basic needs:

And to this point one may suitably refer all matters pertaining to the politeness of manners: ... cutting off excess growth of the nails; turning one's face away when bringing up phlegm; seeking to withdraw for the requirements of nature ... (p. 108)<sup>76</sup>

The *Epistolica dissertatio* goes on to discuss a third category of sin: those committed against one's fellow man because of the conflicting rights of different individuals in the state of nature (and the ensuing state of war). By tackling this third kind of sin, Van Velthuysen involved himself in a matter that was widely discussed at the time: the rights of people and the

<sup>73</sup> Benedictus de Spinoza, *The Chief Works of Benedict de Spinoza*, Translated from the Latin, with an Introduction by R.H.M. Elwes, 2 vols (London, 1891–1901), vol. 1, pp. 368–369; Benedictus de Spinoza, *Tractatus politicus/Traité politique, texte établi par Omero Proietti; traduction, introduction, notes, glossaires, index et bibliographie par Charles Ramond, Oeuvres*, ed. Pierre-François Moreau, vol. 5 (Paris, 2005), pp. 240–241.

<sup>74</sup> See Peter Burke, *The Fortunes of the Courtier. The European Perception of Castiglione's Cortegiano* (Cambridge, 1995), pp. 61–68, 145–150.

<sup>75</sup> *Den eerlyken jongeling, of de edele kunst, van zich by groote en kleyne te doen eeren en beminnen. In Hollants, deur S. van Hoogstraten* (Dordrecht, 1657).

<sup>76</sup> See Herman Roodenburg, *The Eloquence of the Body. Perspectives on gesture in the Dutch Republic* (Zwolle, 2004), pp. 22–28, 77–88.

freedom to avail oneself of anything prior to a contract. Here Van Velthuysen takes up the doctrine defended by Grotius thirty years earlier, according to which there is no natural property. In his *Mare Liberum* of 1609 (originally Chapter XII of the treatise *De Jurae Praedae*, written in the winter of 1604–1605 but not published until long after his death), Grotius had set out an argument to support opposition from the Dutch East India Company both to the Portuguese and the Spanish, who were claiming the right to trade in the Indies, as well as the British who were threatening to assert the same right along the coast of Britain and the Baltic.<sup>77</sup>

Van Velthuysen openly adopted the Dutch cause (undoubtedly, his position in the West India Company played a role) and, like Grotius, supported the free use of anything that was not governed by a contract. Referring—not without irony—to the vain intellectual restlessness of his opponents, he states: ‘Here, however much my opponents set their minds spinning and rummage through their papers, they will have to admit that the division of goods draws its origin from contracts’ (p. 111). A little further on, he reaffirms the right of the first occupant in terms very close to those used by Grotius:

No man, therefore, is compelled to desist from conquering the world on account of the right which his neighbour holds towards the universe prior to contracts, for at that time such dominion is, as it were, thrown open to the public and anyone may take possession of it as though it is empty and deserted, given that no right of a fellow man impedes it. (p. 112)

Although we can clearly detect Hobbes’s influence here (cf. *De Cive*, VI, 15 and 16), Grotius’s authority proves even stronger. One of the notable aspects of this concomitant presence of Grotius and Hobbes is the way in which Van Velthuysen structures the right of self-preservation—borrowed from Hobbes—and the right of the first occupant—borrowed from Grotius:

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<sup>77</sup> ‘Therefore the sea is one of those things which is not an article of merchandise, and which cannot become private property. Hence it follows, to speak strictly, that no part of the sea can be considered as the territory of any people whatsoever. ... It has therefore been demonstrated that neither a nation nor an individual can establish any right of private ownership over the sea itself (I except inlets of the sea), inasmuch as its occupation is not permissible either by nature or on grounds of public utility. The discussion of this matter has been taken up for this reason, namely, that it may be seen that the Portuguese have not established private ownership over the sea by which people go to the East Indies.’ (Hugo Grotius, *The Freedom of the Seas, or the Right Which Belongs to the Dutch to take part in the East Indian Trade*, Translated by Ralph Van Deman Magoffin, Introduction by James Brown Scott (New York, 1916), pp. 84 and 86–87.)

For, if for the sake of protecting my life I may take the goods and the life of my neighbour in order to make mine safe—indeed, if for the sake of preserving one's goods, privileges, freedom, etc., one may break out into war against one's neighbour—how much more will I or any man be permitted to claim as his alone those goods that fall to the first possessor ... (p. 113)

In attributing a philosophical legitimacy to the right of conquest, was he not shedding a very contemporary light on issues of Hobbesian theory and showing how deeply rooted they were in specific debates of the era, such as discussions over the legal battles sparked off by rivalries between major trading companies?

*Founding Civil Justice: Van Velthuysen's Political Thought*

In terms of political ideas, the author of the *Epistolica dissertatio* was not an unreserved supporter of Hobbes. He was a long way from espousing all the ideas of Hobbes, whom he had nevertheless recommended, and seems somewhat caught between two worlds: the world of the traditional system of the monarchomachs, and the world of modern absolutism. Although the *Epistolica dissertatio* devotes a great deal of space to the question of magistrates—which seems to be the main objective of this discourse—it only deals with it from a particular angle: the right to punish. From Hobbes to Van Velthuysen, the perspectives remain very different. First of all, while the idea of a state of war is not absent from the *Epistolica dissertatio*, it is not the result of an anthropological definition of man, as was the case with Hobbes, but rather stems from a theological conception in which the nature of man is determined by the Fall. For Van Velthuysen, human history begins with the sin of Adam and Eve, and not with a war of all against all. Consequently, it is the very idea of an original sin that justifies the political institution, and it is the principle of self-preservation that stands as a basis for sociability:

But since my neighbour has just as much right as I do, and often no less strength, if not in seizing sovereignty at least in pursuing vengeance, I shall be sinning gravely against the law of self-preservation if I do not come to a division of goods. Otherwise it is impossible to avoid a state of war, which, since it is ruinous and destructive to both sides, I am bound to avoid. (p. 112)

The political state is part of the divine plan and belongs to the reordering of nature after original sin. It then derives from the principle of self-preservation. Furthermore, Van Velthuysen's criticism of political absolutism is based on the Calvinist line of argument which considered this form of power to be the mere expression of a potentially arbitrary personal power:

... it is clear that the people did not wish to entrust all things relating to the well-being of society to the decision of one king, but has withheld a part of them for its own management and administration, so that it is important to the people that the sovereignty of the king does not grow to such an extent that he considers himself to be above the laws. (p. 133, n. 116)

He categorically excludes the need for a complete transfer of the rights of individuals to the sovereign, and supports the existence of a contract between the people and the sovereign in order to safeguard the subjects' right to resistance in the event of tyranny:

For why did the people yield up to the king anything that it was not necessary to grant? What, I pray, was the necessity of forbidding oneself the licence to judge such things as even the most inexperienced person may judge can only tend towards disaster and increasing misery for the people? (p. 132)

It is not, therefore, surprising to see the author advocate having a 'magistrate below the king', to whom Van Velthuysen confers a right to legitimate resistance—as did the Calvinist political theorists with the idea of 'ephors':

Nor does one have to keep that judgement concealed, but, through a magistrate below the king, one can remind the king of his duty, initiate a complaint against him concerning the matter, and humbly entreat and implore that he not abuse his power. (p. 129)

On this point, there is therefore a major difference with Hobbes, for whom it was inconceivable for there to be any resistance to the sovereign, and who only maintained the right of the individual to defend his life and his personal freedom.

In fact, Van Velthuysen's interest appears to lie elsewhere. Unlike his contemporaries—defenders of the 'ware vrijheid' or supporters of the stadholder's authority, mainly concerned with singing the praises of a particular form of government—the author of the *Epistolica dissertatio* centres the whole political question on the definition of justice.<sup>78</sup> It matters little to him, as he says right from the beginning, whether or not sovereignty is shared:

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<sup>78</sup> The political question can be tackled from the perspective of a different kind of relationship between the Magistrate and the subjects, like, for example, the government model; see, among others, W.R.E. Velema, "'That a Republic is Better than a Monarchy': Anti-monarchism in Early Modern Dutch Political Thought", in Martin van Gelderen and Quentin Skinner (eds), *Republicanism. A Shared European Heritage*, 2 vols (Cambridge, 2002), vol. 1, 9–26; on the notion of 'ware vrijheid', see G.O. van de Klashorst, 'De "ware vrijheid"', in E.O.G. Haitsma Mulier and W.R.E. Velema (eds), *Vrijheid. Een geschiedenis van de vijftiende tot de twintigste eeuw* (Amsterdam, 1999), 157–186.

I begin by saying that I shall be discussing a magistrate possessing the right of sovereignty, it being of no consequence whether this is in the possession of one person or in the possession of a college that represents a single person in proposing laws, or even whether the right of sovereignty is divided. (p. 125)

He gives particular importance to the definition of the rights and reciprocal duties that regulate the 'political balance' between the sovereign and his subjects. This question 'has always been so much discussed and is of exceptional use in human affairs' (p. 124), representing for Van Velthuysen the essence of political reflection, to which the revised 1680 version of the *Epistolica dissertatio* tries to give a more detailed answer. If we consider the logical phrasing used to discuss the question of the magistrate in his text ('From the above, it is now clear what rights we ought to yield up to the magistrate in matters of this kind', p. 124), we can see that what interests him about Hobbes is not only the possibility of founding a natural morality based on the principle of self-preservation, but also the ensuing consequences for the doctrine of the state. Up to that point, it may appear that by committing to the principle of self-preservation, Van Velthuysen has not accepted the most fundamental feature of the Hobbesian system, and that the highly limited use he makes of it allows him to retain, within an imperfectly systematic construction, heterogeneous elements of the Hobbesian political doctrine, such as the legitimacy of the right to resist the sovereign, or the obligation to have unanimity within the body politic instead of political absolutism or majority rule. This is not the case, however, and as soon as the question of the right to judge private persons is dealt with (in the first edition), the argument takes a different course. When faced with things that 'are of such a kind that, even though it can sometimes happen that they are associated with injustice, they are nevertheless too secret to lie open to the judgement of just anyone' (p. 133), the private person's duty is

to charitably judge that it has been justly commanded by the magistrate. ... Or, if the subject applies his mind to a knowledge of the justice or injustice of an act or law, or if he cannot avoid either approving of or detesting an act according to his own judgement, that judgement ought to be only theoretical and not brought into practice, nor should he refuse obedience to the magistrate or persuade others not to obey. (p. 133)

The second edition adds:

And I therefore have to condemn the practice of those who, as soon as something is thought to have been enacted by the magistrate which seems to them to deviate from right and justice, are inflamed with zeal against the magistrate and so deport themselves as if they wish to bring an action against him. (p. 144, n. 141)

There then follows a reference that gives us further insight into the people at whom Van Velthuysen's criticism was aimed:

and while in appearance the government seems to have been consigned to the magistrate, in reality it will nonetheless be in the hands of the populace and, indeed, of those who are held in high regard by the common people, such as generally are those who minister to them in spiritual matters. (p. 134)

What the author of the *Epistolica dissertatio* clearly feared were the dangers of public opinion once aroused by fanatical ministers.<sup>79</sup>

The coherence of Van Velthuysen's discourse appears to fully support the purpose that underlies his reasoning, whose aim is to shield political power from the risks posed by conflicts of opinion. While he maintains the legitimacy of the right to denounce a sovereign who abuses his power, he also wishes to put an end to it and prevent the political sphere from becoming an arena for controversies between individuals: '... if any private citizen, after the right of sovereignty has been transferred, may still stand by his own judgement, then he has not subordinated his judgement to the judgement of the magistrate' (p. 134). Here he is targeting the clerics' claims and political ambition.<sup>80</sup> He shared this concern with Hobbes. We need look no further than the preface of *De Cive*, which denounces the arrogance of private judgements: 'How many rebellions hath this opinion been the cause of, which teacheth that the knowledge whether the commands of kings be just or unjust, belongs to private men.'<sup>81</sup> This theme can be found in other works by Van Velthuysen that were published later, such as the *Ondersoeck of de Christelijcke Overheydt eenigh quaedt in haer gebiedt mach toelaten* of 1660 (republished in the *Opera omnia* under the title *Disquisitio de tolerando malo in republica*).<sup>82</sup> However, in the *Epistolica dissertatio*, as we have seen,

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<sup>79</sup> There is a striking similarity here with the criticism expressed by Descartes in his 'Letter to Voetius': 'Lorsqu' un prédicateur excite ses auditeurs à la colère et à la haine contre d' autres hommes ... il a beau ne rien dire de remarquable, ne rien dire de bon, et souvent même son auditoire ne rien comprendre à la question ..., il sera mieux écouté par la multitude dévote, plus aimé, plus admiré, que d' autres beaucoup plus éloquents, mais qui, au lieu d' appeler sa haine sur les vices d' autrui, l' exhorteraient à se corriger des siens.' (Descartes and Schoock, *La Querelle d' Utrecht*, p. 354; *Oeuvres de Descartes*, vol. 8.2, p. 48.)

<sup>80</sup> I refer here to the analysis I proposed in Secretan, 'La réception de Hobbes', pp. 32–42.

<sup>81</sup> Gert (ed.), *Man and citizen*, p. 97.

<sup>82</sup> This treatise on the power of the magistrate offers one of the clearest expressions (and, at the same time, the closest to Hobbes) of Van Velthuysen's conception of the *jus circa sacra*; that is, the political government's right over religious affairs. 'Om recht en eygentlick te spreken: te oordeelen van Goddelijcke en Wereltlijcke saecken met autoriteyt en macht, soo dat andere gehouden zijn te gehoorsamen, of de straf te dragen, komt hier op aerde

he strongly and explicitly orders private judgements to remain 'theoretical' and not to give rise to specific actions. Only a political authority has the right to punish, since the only true justice is secular: God's justice will only be carried out 'on the day of the final judgement'.

This theory is strengthened in the second version of the text, in which Van Velthuysen's use of the idea of the Fall of Man, introduced by the modifications mentioned earlier, is not limited to establishing the possibility of rational knowledge and making it agree with theology, but also entails a redefinition of justice that distinguishes divine justice from human justice. The imperfect man cannot know divine decrees nor exercise justice on the basis of an alleged knowledge of them. Consequently, it is a great impiety on the part of the ministers and theologians to pretend to judge whether or not a human act conforms to the plan of divine justice. The only legal power to punish belongs to the political magistrate, who will judge according to the laws, 'custom and manners' (p. 152) of a given society. For Van Velthuysen, this not only establishes the supremacy of the civil magistrate but also a political choice for tolerance, a choice that was increasingly necessary in a country such as the United Provinces where there was great religious and social diversity. In terms of moral doctrine, Van Velthuysen could conclude as to the inevitable nature of relativism: 'And who among us will put so much faith in himself as to form a decisive opinion of what punishment is due for every particular sin that offends against natural religion?' (p. 149). He restates this point of view in the second version of the text, insisting on the notion of 'circumstances'. Van Velthuysen believes that the particular purpose of civil justice is to judge an act, not absolutely, but according to the circumstances in which it was committed, since there is no moral evil in itself ('Acts, however, that are not evil according to natural law but become so owing to circumstances, whether they are prohibited by a magistrate or left to the judgement of individuals ...', p. 143). Just as, for Van Velthuysen, Scripture can only be understood in terms of the circumstances in which it was written, so the morality of an act can only be judged according to the circumstances in which it was carried out: 'because of the circumstances' (p. 147). Expressed in this way, Van Velthuysen's theory can be seen as a search for a radically immanent basis for civil justice. Where the 1651 version of

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alleenlick de Magistraet toe. Die so wel oordeelt wat ketterye is, en wie daer aen vast is, alsse oordeelt wat Hoererye, Overspel, en Bloetschande is, en wie daer aen schuldigh is. Maer watmen in conscientie doen mach dat oordeelt Godt, en yders conscientie.' (Van Velthuysen, *Ondersoeck of de Christelijcke overheydt*, p. 35.)

the *Epistolica dissertatio* limits itself to stating, 'Here, one should distinguish between the punishment that sins deserve, but with that punishment considered apart from the necessity of carrying it out, and the punishment by which we generally determine that they should be revenged' (p. 145), the 1680 version introduces a distinction between 'the punishment in relation to the natural and punitive justice of God' and 'that of which they are worthy in so far as they harm civil society' (p. 145, n. 143). It is human justice that is given a new importance: 'the justice that protects civil societies' (n. 144).

The *Epistolica dissertatio* takes great care to define the rules of a free society by setting out two opposing influences: that of Calvinist thought, which took—with Beza and Junius Brutus—the theorization of a subject's right to resist the monarch to its highest level; and that of Hobbes, who entrusted political omnipotence with the task of guaranteeing civil peace. Although this attempt does not achieve the systematic character of a true theory, it nevertheless has the great merit of introducing what is known as Cartesian politics.<sup>83</sup> Beyond simply extending Cartesianism to the political field, the interest of the syncretism between Descartes' philosophy and that of Hobbes, by authors such as Van Velthuysen, the De la Court brothers and Spinoza, lies in the way in which it further develops a thought system that had had a continuous presence in the Netherlands ever since the conflict between Arminians and Gomarists, and Grotius's pamphlet, *Ordinum Pietas*, published in 1613.

### *The Epistolica dissertatio and the Republic of the United Provinces in the 17th Century*

#### *The Mid-Century Crisis*

The *Epistolica dissertatio* was published in 1651, during a time of political crisis in the Netherlands; by the time it was republished in 1680, the country had experienced yet another deep crisis. However, the middle part of the century also coincided with the apogee of the power and prosperity of the United Provinces. This text was therefore concomitant with events that twice marked the history of the Netherlands. Far from being conceived

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<sup>83</sup> See 'Filosofie', in Frijhoff, *Hard-won Unity*, pp. 320–338; Wijnand Mijnhardt, 'The Construction of Silence: Religious and Political Radicalism in Dutch History', in Van Bunge (ed.), *Early Enlightenment in the Dutch Republic*, 251–257; Tammy Nyden-Bullock, 'Radical Cartesian Politics: Van Velthuysen, De La Court and Spinoza', *Studia Spinozana*, 15 (1999) 41–62.



at a distance from its era, it was, on the contrary, closely linked with contemporary events and was even 'updated' when it was republished in Van Velthuysen's *Opera omnia* in 1680. While it is clear that Van Velthuysen's intention to speak so favourably of Hobbes in 1651 was far from innocent, his later decision to make several major changes to the 1651 text was no less meaningful, and can be explained by political and intellectual events in the Netherlands during the three decades that separate the first edition from the second. This link between Van Velthuysen and his particular period invites us to interpret the second *Epistolica dissertatio* in the same way. Although his Cartesian project occupied Van Velthuysen for longer and in greater depth than his commitment to Hobbes's moral doctrine (and even though it was for his interest in Cartesianism, and for his correspondence with Spinoza, that he remained famous), we should not underestimate the durability of what held his attention in Hobbes's philosophy. The fact that he returned to his first work and made so many changes before republishing it proves—if a proof were needed—to what degree he was still interested in the questions dealt with in the text.

As we have seen, the publication date of the *Epistolica dissertatio* situates it during the period in which Johan de Witt's republic was established, throughout which—up until 1672—de Witt steered Dutch politics in a more liberal direction. What could an apology of Hobbes contribute to the conflicts that were pitting republicans against Orangists at the time? The republicans maintained that a separation of military and political powers—the first in the hands of the stadholder or general captain, the second in the hands of the States—would be a danger to freedom, insofar 'as the whole sovereign power would be divided into two equal parts, one of which would be in the hands of the States and the other in the hands of the Prince'; such a scenario was considered 'absolutely impossible', on account of both the indivisibility of the nature of power and the practicality.<sup>84</sup> It may seem strange that, in a society in which people's way of thinking was formed by the particularist tradition and did not leave them room to envisage a state other than that of a federation of provincial sovereignties, the idea of an

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<sup>84</sup> *Deductie ende debat tegens de consideratien van de heeren gecommiteerde raden van Zeeland, op ... de propositie in februario laetsleden, 1668. van de ... Staten Generael ... om haer ... te conformeren op de separatie van het stadhouderschap ... voor altoos van de opperste militaire ampten* (Amsterdam, 1668), p. 30. This was a republican pamphlet (Knuttel 9664) aimed at justifying the Perpetual Edict passed by the States of Holland in 1667, abolishing the stadholderate, separating the functions of captaincy general and stadholder of all provinces and stipulating the absolute political power of the provinces.

indivisible, absolute political power was received so favourably. And yet, for the propaganda campaign led by Johan de Witt and his supporters, this idea represented the argument that could best justify the republicans' policies. The good fortune that Hobbes's absolutism encountered in the Netherlands, somewhat paradoxically, stemmed not only from the fact that it favoured a concentration of power in republican hands, but also from the seductive effect a doctrine that reduced everything to politics could have on a new form of liberalism. From Grotius to Johan van Oldenbarnevelt to Johan de Witt, the great defenders of Dutch freedom and tolerance tended to advocate an absolutist concentration of political power, both with regard to the Orange family's ambitions and those of the orthodox Calvinist pastors and theologians. The absolutism of political sovereignty was therefore also understood to be the subordination of religious authorities to political power, and the refusal of any 'collaterality' between the two powers.<sup>85</sup> The De la Court brothers, like Van Velthuysen, had read Hobbes but openly borrowed from him only those parts that could contribute to their defence of the absolute sovereignty of the 'republicans'.<sup>86</sup> Thus, in chapter I of his *Politieke weeg-schaal*, Pieter de la Court states that no State can provide its subjects with peace and security unless it is based on an indivisible sovereignty:

Considering that a political State must be conceived as an absolute and complete force capable of repelling all violence from both outside and within, and that without such power it would quickly be crushed, it follows that the absolute power to make laws can only belong to a certain person and the power to execute them to another.<sup>87</sup>

The idea is repeated several times throughout the text and, in the *Politieke discoursen*, De la Court emphasizes the exclusive authority that political

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<sup>85</sup> This is the subject, among others, of Johannes Wtenbogaert, *Tractaet van t'ampt ende authoriteyt eener hoogher christelicker overheydt in kerckelicke saecken* (The Hague, 1610); Hugo Grotius, *Ordinum Hollandiae ac Westfrisiae pietas ab improbissimis multorum calumniis ... vindicata* (Leiden, 1613); and Lucius Antistius Constans [Pieter de la Court], *De jure ecclesiasticorum, liber singularis* (Alethopolis [Amsterdam], 1665).

<sup>86</sup> Concerns over unity of command were very strong at the time and, in texts such as the 'Public prayer' ([Johan de Witt], *Public gebedt, ofte Consideratien, teegens het nominatim bidden in de publieke kercken voor particuliere personen; en specialijcken voor den tegenwoordigen heere prince van Orangien* (Amsterdam, 1663); Knuttel 8789), written by the cousin of Johan de Witt, the Grand Pensionary, in defence of the supremacy of the States of Holland and containing references to Book I of Jean Bodin, *Les Six livres de la République* (Paris, 1576), we can also see the interest being shown in Bodin's thought during the same period.

<sup>87</sup> [Johan de la Court], *Consideratien van staat ofte Polityke weeg-schaal* (Amsterdam, 1661), Eerste Deel, cap. 4.

power holds, in other words, the absolutism of political sovereignty: 'There is no power other than that of the State, sovereign and exclusive: this is essential in order to bring men from the state of nature into the state of civil peace.'<sup>88</sup>

If we now turn back to Velthuysen, the *Epistolica dissertatio*, strictly speaking, contains no explicit defence of the indivisibility of sovereignty. Van Velthuysen, as we have already seen, was still thinking within the doctrinal framework of monarchomach thought and refuted the principle of absolute sovereignty which, for him, was inseparable from the strongly criticized form of government that the monarchy represented. However, he was not far from considering the supremacy of politics (which implied the very idea of absolutism and indivisibility) when he advocated granting to the political authority the exclusive right to judge.

### *The Epistolica dissertatio and Its Modifications*

If the meaning of this 'defence' of Hobbes may be easy to ascertain when considered in the context of the United Provinces in 1651, the reasons for the revision of its second edition in 1680 are, in contrast, more complex. As we have seen, the *Epistolica dissertatio* contains many major changes from one version to the next.<sup>89</sup> These modifications take many different forms. Some are limited to clarifying or reiterating what was said in the original text. This is the case, for example, of a change made on p. 100 (n. 70), in

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<sup>88</sup> [Johan de la Court], *Politike discoursen handelende in ses onderscheide boeken, van steden, landen, oorlogen, kerken, regeeringen, en zeeden* (Amsterdam, 1662), Book IV, Discourse 3. In the case of Spinoza's political theory, the meaning of 'absolute' is different and refers to the sovereignty of the people in a democratic government, the only government that is 'absolutely absolute'. But democracy—as conceived by Spinoza—may be understood as an ideal, even, maybe, as a 'nostalgic ideal', as suggested in Theo Verbeek, *Spinoza's Theologico-Political Treatise. Exploring 'the Will of God'* (Aldershot, 2003), pp. 136–141.

<sup>89</sup> This text is by no means the only one to have undergone changes for its republication in the edition of the *Opera omnia*—as the example of the *Ondersoek of de Christelijke overheydt* proves. Indeed, this text, in the Latin version of it included in the *Opera omnia* (under the title *Disquisitio an principi christiano in ditione sua malum aliquod tolerare licitum: in qua speciatim agitur de profanatione sabbathi, aut diei dominicae*) shows a number of changes in relation to the original text. Some of these consisted in deleting references to events that were no longer current (for example, controversies over the clergy's earnings; cf. *Ondersoek of de Christelijke overheydt*, p. 305 and *Opera omnia*, vol. 1, p. 690), and erasing a certain philosophical radicalism (for example, his refutation of innate ideas; cf. Van Velthuysen, *Ondersoek of de Christelijke overheydt*, p. 211 and *Opera omnia*, vol. 1, p. 665). They also involved the actual title of the work: the Latin specifically mentions the question of the Sabbath whereas the first version did not.

which the addition serves to reassert moral naturalism based on the law of self-preservation. This is also true of the change that appears on p. 112 (n. 81), which establishes natural law on the basis of self-preservation. However, some play a more decisive role in introducing particular content that modifies the logic of Van Velthuysen's line of argument. Without returning to what we have already shown earlier, we might recall that these are mostly variations relating to the idea of self-preservation, making it the point of departure for a naturalist deduction of morality. It has also already been highlighted how, in the first version of the text, what was merely the 'the utmost desire to keep myself safe and sound' (p. 78) became, in the revised version for the *Opera omnia*, the keystone of the entire doctrinal construction. In addition, along with the notion of original sin, Van Velthuysen also introduced a new definition of natural laws and a distinction between the 'first laws of nature' and the 'second laws of nature' (p. 86, n. 43). The theoretical function of this second type of variation was to limit the objectivity of blameworthy behaviour to the sphere of the world affected by the Fall. The other implication is that decency, which may seem 'natural' (Van Velthuysen speaks about a 'natural sense of shame', p. 91), is in fact the product of a social norm, 'determined by the usage, custom and character of the people' (p. 91), and not the result of *consensus omnium*, a principle which Van Velthuysen, unlike Grotius, rejected: 'Let nobody think that everything that excites a sense of shame is a sin and prohibited by natural law' (p. 90).<sup>90</sup> This modification clearly shows the author's aim in making such changes. He wanted to form a link between the standard for moral actions and the laws of society, thereby making it a matter for the civil judge. However, bringing the matter down to the social level was not a denial of religious truth, and the aim of Van Velthuysen's theoretical undertaking here is twofold: on the one hand, it enabled him to reconcile theology and moral naturalism, since the latter was simply another perspective on morality; on the other hand, he was able to introduce an element of relativity into judgements of human behaviour, insofar as non-European cultures prove the extent to which values relating to good and evil could vary from one place to another.

Surprisingly, a third category of changes consists in removing almost all the instances in which Hobbes's name appeared in the original text,

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<sup>90</sup> Van Velthuysen's work could lead to confusion if we are not careful: in the 1680 version, even after he had introduced this distinction between 'first law of nature' and 'second law of nature', he retained the phrase 'natural sense of shame' (p. 91). In this case, we should understand it as a socially learned reaction, even though it may appear to be natural and spontaneous.

including the title of the work. In the 1680 edition of *Opera omnia*, the title simply became *Epistolica dissertatio de principiis justitiae et decori*, without what originally followed, namely ..., *continens Apologiam pro tractatu Clarissimi Hobbaei, De Cive*. The only mention of Hobbes's name that remains can be found in the first lines of the introduction (p. 65). Consequently, in 1680, the 'Primary aim of this work' is no longer 'to demonstrate that the procedure observed by the learned Mr Hobbes in deriving the natural law and what is contained in the first chapters is a legitimate one' (p. 58), but instead 'to demonstrate that the procedure I observe in deriving the natural laws is a legitimate one, laying down self-preservation as the fundamental law and that from which the others emanate' (p. 58, n. 4). In line with this change, some of those that follow consist in systematically replacing references to Hobbes with 'self-preservation'. Thus, for example, 'Yet, in my opinion, this man is not at all to be regretted by our times and if anyone should chart a course in moral philosophy according to his principles, ...' (p. 67) becomes 'I nevertheless consider the principle of self-preservation, when suitably explained, to be good and correct, and if anyone should chart a course in moral philosophy according to it, ...' (p. 67, n. 24). Further on, the 1651 text, 'So far, I have been occupied in proving the principles that the learned Mr Hobbes either had taken for granted or deliberates on rather obscurely and only in a perfunctory and sparing manner ...' (p. 122) is replaced by the sentence, 'So far, I have been occupied in elucidating that fundamental law which is self-preservation, demonstrating how that natural impulse and instinct, from which no one can separate himself ...' (p. 122, n. 98). Of the fourteen instances in which Hobbes's name features in the 1651 version, only one mention—in the first lines of the introduction—remains. If we add to that a number of other, more subtle changes, such as 'the noble Englishman' replaced by 'a few men' (p. 60), or 'the principles of our author' replaced by 'these principles of morality' (p. 62), or 'that excellent author', which becomes 'these principles of ethics' (p. 63), we find that almost every mention of Hobbes, whether direct or indirect, has been supplanted by a philosophical argument. The question that remains is: Why did Van Velthuysen change his text in this way, and what is the meaning of those changes? Should we simply consider them to be a precautionary measure against a political situation that had grown less tolerant of new ideas since Johan de Witt's republic ended? Or was Van Velthuysen more or less going back on the boldness of his first work, returning to a more conformist position? If so, how should we interpret the other series of changes, namely, those that focus on the idea of self-preservation and add long developments to the notion of virtue (p. 69, n. 27; p. 101, n. 71)? Is there

not a certain contradiction between these two types of modification: one that systematically erases the author's name and the other that insists on borrowing his thought? These questions seem to become clearer in the light of the events that took place between the two editions and in the context in which the author of the *Epistolica dissertatio* lived around the 1660s. We must, therefore, refer to these circumstances in order to understand the motives that inspired the changes that were made between the two editions.<sup>91</sup>

### *Utrecht and Orthodox Calvinism*

In the preface to the work just mentioned above and that he published anonymously in 1660 (*Ondersoeck of de Christelijcke Overheydt eenigh quaedt in haer gebiedt mach toelaten*), Van Velthuysen refers to conflicts of opinion as a source of social unrest. Inspired by the characteristic pessimism that determined the Calvinist interpretation of Descartes' treatise on passions, he states that 'human weakness' prevents men from agreeing, and that it is utopian to rely on an agreement between individuals in order to establish a State.<sup>92</sup> In terms very close to those of Pieter de la Court, he describes the state of nature as a 'rivalry of judgements':

Since, therefore, an infinite number of controversies arise with regard to subtle questions concerning good and evil, justice and injustice, etc., and since, because of the widespread corruption that lies within us, we cannot fail to fall into many errors and sins that arise from feebleness, it is impossible to find as many men of the same opinion as are needed to form a state.<sup>93</sup>

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<sup>91</sup> For an early version of this analysis, see Catherine Secretan, 'L'*Epistolica dissertatio*, 1651, 1680, de Lambert van Velthuysen: une appropriation active en matière d'idées philosophiques', *Lias*, 21 (1994) 203–228, pp. 210–220; Lambert van Velthuysen, *Des principes du juste et du convenable*, ed. Catherine Secretan (Caen, 1995), pp. 24–34.

<sup>92</sup> See Kossmann, *Political Thought in the Dutch Republic*, pp. 60–65.

<sup>93</sup> 'Quemadmodum igitur in subtilibus quaestionibus infinitae controversiae oriuntur circa bonum ac malum, justum injustumque, &c., & quia propter communem corruptelam, quae nobis inhaeret, fieri nequit, quin in multos errores, & in peccata, quae ex imbecillitate oriuntur, incidamus: fieri non potest tot inveniri homines, qui idem sentiant, quot ad constituendam Rempub. requiruntur.' (Van Velthuysen, *Opera omnia*, vol. 1, p. 621); we may compare this with the following passage by Pieter de la Court: 'If men tried to overcome each other, peace would be threatened because, given the diversity of their characters and judgements, they would be unable to convince each other or change each other's minds, and given their tendency to form evil suspicions out of that rivalry of judgements, the more passionate among them would begin a war; considering that such a state of affairs would be disastrous, we must prevent it by means of a political society in order to preserve men and keep them alive.' ([De la Court], *Politike discoursen*, Discourse 3, p. 297).

Like the author of the *Politike discoursen*, he thinks that the solution lies in political arbitration: 'To judge divine and temporal matters with power and authority, in such a way that here on Earth others are forced to obey or to accept the punishment, is a matter for the Magistrate alone.'<sup>94</sup> We can therefore see that in 1660, after the *Epistolica dissertatio* which had already addressed this question at length, Van Velthuysen decided to return to the question of the political magistrate's right and to devote a whole text to it. A few years later, a new text by Van Velthuysen—*Tractaet van de afgoderye en superstitie* (1669)—sparked a series of arguments with the consistory of Utrecht. As well as severely criticizing superstition, Van Velthuysen declares that a certain number of duties hitherto considered to fall within the jurisdiction of the ecclesiastical authorities, particularly with regard to articles of faith and religious sanctions, should be a matter for the political power alone:

Furthermore, the decision regarding the necessary and fundamental articles of belief is not so much a matter for the Churches, so as to base reasons for schism upon it, as it is for the magistrates, so as to know which religions they may in good conscience allow in the state. ... For the magistrates, there always remains the difficulty of how they shall know which errors in religion are so great that they may not, for the sake of conscience, allow them to be practised.<sup>95</sup>

Thus, far from being cast aside, the line of argument used in the *Epistolica dissertatio* on the subject of the sphere of civil justice is taken up and actually enriched with new arguments, brought about by particular events. What sparked these conflicts that are reflected in the texts published after the

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<sup>94</sup> 'Om recht en eygentlick te spreekken: te oordeelen van Goddelijcke en Wereltlijcke saecken met authoriteyt en macht, soo dat andere gehouden zijn te gehoorsamen, of de straf te dragen, kom hier op aerde alleenlick de Magistraet toe' (Van Velthuysen, *Het predick-ampt*, p. 35).

<sup>95</sup> 'Dat vorders, de decisie van de nootwendige en fundamentele poincten des geloofs soo seer niet nodig is voor de kerken, om de redenen van scheydingh daer op te funderen, als wel voor de Regenten, om te weten, wat Religien sy in den Staet, conscientie's halve, mogen toelaten. ... Voor de Regenten blijft altijd die swarigheyt over, hoe sy sullen weten, wat dwalingen in de Religie soo groot zijn, datse de exercitie van de selve, om de conscientie wil, niet toelaten mogen.' Lambert van Velthuysen, *Tractaet van de afgoderye en superstitie. Den tweeden druck vermeerderd, met de apologien en nader deductien van de stelling in dit tractaet begrepen*, 2nd edn (Amsterdam, 1670), pp. 14–15. Like Duker (Duker, *Gisbertus Voetius*, vol. 3, p. 270, n. 2), I have been unable to consult the original edition of the text published in 1669; however, the second edition enables one to gain a precise insight into the content of the proposals presented in the first version. The text was also republished in volume 1 of the *Opera omnia* under the title *Tractatus de idololatria et superstitione*.

first edition of the ‘apology’ of Hobbes? And why was Van Velthuysen so concerned?

Utrecht had always been a place where relations between the Church authorities and the political power were strained. Its case is particularly interesting for studying religious coexistence because, being originally the archbishop’s see, it contained a large Catholic minority (between a quarter and a third of the 30,000 inhabitants), while at the same time the city became a bastion of orthodox Calvinism when the university was founded (1636) and Gisbertus Voetius held the chair in theology.<sup>96</sup> For over thirty years, the personality of this extremely active representative of orthodox Calvinism dominated relations between the magistracy and the Church of Utrecht.<sup>97</sup> What is more, in a city that had hitherto been Catholic, the denominational change had considerable social and political repercussions. First of all, because the Catholic population did not just disappear; it continued to observe its religious practices, including public ceremonies, processions and burials, which could not fail to feed the tensions with the Reformed population. The second reason was that the Catholics were not the only non-Calvinist community living in Utrecht. Along with Holland, Utrecht was the province in which the highest number of religious minorities coexisted. In general terms, the United Provinces had no experience of religious homogeneity and, alongside the Calvinists who for a long time remained a minority, the Catholics, Lutherans and Mennonites formed large communities. The Union of Utrecht (1579), when constituting the Calvinist Church as a ‘public’ Church, also established religious freedom as a fundamental principle.<sup>98</sup> Furthermore, with the movement towards reform, the question of ecclesiastical benefits and the granting of places of worship had to be addressed. Indeed, the revenue from the archbishopric’s properties was still being paid to chapter administrators even after reform, but despite protests from the consistory of Utrecht, this revenue was only rarely allocated for ecclesiastical spending or ministers’ maintenance. It is probably no coincidence that the city was, on an artistic level, in a different situation in comparison with other cities in the United Provinces—far more open to the Italian influence on account of its long-standing close relationship

<sup>96</sup> See Forclaz, “‘Rather French than Subject to the Prince of Orange’”, pp. 512, 520–522.

<sup>97</sup> Gisbertus Voetius was first appointed, in 1634, to the Illustrious School of Utrecht, which had just been founded. When it became a university two years later, he became professor of theology, a post he held until his death in 1679.

<sup>98</sup> See Prak, *The Dutch Republic*, pp. 205–210.



with Catholic circles. In fact, Utrecht was the site of a school of painting that was different from the national trend, where painters such as Abraham Bloemaert (1564–1651, a Catholic) trained many students who later made the journey to Italy. It was in Utrecht in particular that a gap opened up through which Caravaggio's influence made itself felt, introduced by artists such as Hendrick Terbrugghen (1588–1629) and Gerard van Honthorst (1590–1656).<sup>99</sup> And yet, Caravaggism expressed a provocative sensuality, and one might wonder whether people's taste for this type of painting (one of the consistory's petitions against moral depravation explicitly mentioned the taste for the 'naekte en onkuische schilderijen')<sup>100</sup> and for Italian expressions of piety might have been at odds with the climate that the Calvinists of the Church of Utrecht were trying to establish.

From the end of the 1650s, there began to develop the movement known as the 'Nadere Reformatie', calling for greater piety in public life and general conduct.<sup>101</sup> Between 1658 and 1674, various requests were addressed by the Utrecht consistory to the town government, pointing out a number of unacceptable forms of behaviour and asking the help of the civil authorities in correcting such a situation. A list was drawn up of all the 'sins' that needed to be punished, whether in private or in public life, citing (as, for example, in the request presented on 28 February 1659) blasphemy, drunkenness, not keeping the Sabbath, poor education of children, and laxity with regard to Catholics as well as towards 'Arminian' proposals to place the Church under the authority of the magistracy. In a subsequent request, attention was drawn to 'irregularities' in the practice of commerce, such as indebtedness or usury.<sup>102</sup> The attitude of the consistory hardened further at the time of the second war against England (1664–1667), the pastors and theologians of Utrecht not failing to see the 'work of God' behind the first reversals experienced by the Dutch fleet and calling for even more radical 'reform' and increased piety in order to prevent further manifestations of divine anger. The 'programme of reform' submitted to the civil authorities on 28 June 1665 openly asked for concurrent 'political measures' in order to 'rein in the overflowing sins and prevent a harsher judgement from

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<sup>99</sup> See Jean Leymarie, *La peinture hollandaise* (Geneva, 1956), pp. 66–73; Prak, *The Dutch Republic*, pp. 234–236, 242.

<sup>100</sup> See Van Lieburg, *De Nadere Reformatie*, pp. 28–29.

<sup>101</sup> See p. 8 above.

<sup>102</sup> 'Arminiaansche maximen streckende om de magt der kercken den magistraten toe te brengen ende spreekende tegen alle bestraffinge der magistraten' (Van Lieburg, *De Nadere Reformatie*, pp. 23, 29).

God'.<sup>103</sup> The Utrecht magistracy, however, did not respond as the consistory would have wished. Instead, reacting to the attacks it was facing on the subject of Church goods, it appointed, from 1660, 'political commissioners' charged with attending consistory meetings and seeing to it that nothing was decided that might disturb public order. In the case of Van Velthuysen, it was stated: 'A magistratibus anno 1668 ad conventus ecclesiasticos deputatus est, ut videret, ne quid rem publicam vel politicam spectans ac perturbans a coetu ecclesiastico perageretur'.<sup>104</sup> With Van Velthuysen's appointment, the tensions increased further since, to the theologico-political dissensions that had been feeding the conflict until then, there were now added deep philosophical differences engendered by the diffusion of Cartesianism, Velthuysen having, it will be remembered, taken a position in favour of Cartesian physics in his controversy with the pastor Jacobus Du Bois.<sup>105</sup>

It is impossible to understand certain propositions of the *Epistolica dissertatio* without taking account of these requests and the ascendancy exercised by the Reformed Church over everyday life. Van Velthuysen's insistence on reducing 'sins' to simple 'imperfections', all relative to the customs and laws of a given society, appears as a direct response to the lists drawn up by the Utrecht consistory. That, for example, is the sense of such passages as when the *Epistolica dissertatio* defends the pleasures of love, even if the purpose of the union between a man and a woman is not pleasure but procreation. Just as for all pleasures in due proportion, Velthuysen refuses to make a sin of them:

To this must be added that marriage possesses many other advantages, besides the procreation of children, which those joined in marriage can legitimately enjoy, among which can be placed pleasure itself, just as a moderate delight is not to be censured in the taking of food and drink, whose purpose in a state of sin is primarily the preservation of life. (p. 83, n. 41).

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<sup>103</sup> 'Teneinde om de overstroomende sonden in te toomen en Gods swaerder oordelen voor te komen sullen ook politike middelen van de edelachtbare magistraet versocht werden' (ibid., p. 29). These 'political commissioners' were an institution that could be found in other towns, with the representatives of civil power acting at local level, in the event of conflicts, or else at synodal level, where they were present on a more regular basis; see Frijhoff and Spies, *Bevochten eendracht*, pp. 361–362.

<sup>104</sup> Caspar Burman, *Trajectum eruditum, virorum doctrina inlustrum, qui in urbe Trajecto et regione Trajectensi nati sunt, sive ibi habitarunt, vitas, fata et scripta exhibens* (Utrecht, 1750), pp. 385–386, cited in Duker, *Gisbertus Voetius*, vol. 3, p. 267.

<sup>105</sup> See Van Velthuysen, *Ondersoek of de Christelijcke overheydt*, cap. 12, p. 304; Leszek Kolakowski, *Chrétiens sans église. La conscience religieuse et le lien confessionnel au XVIIe siècle* (Paris, 1969), pp. 305–315.

It is also the sense of such passages as that which he devotes to the manner of presenting oneself and behaving in society: 'Yet if anyone should not rise to this civility of manners, he is still free from sin.' (p. 90) 'What ought to be considered a perfection ... depends entirely upon the usage and custom of nations.' (p. 94) In the same way, in the *Ondersoeck* of 1660 mentioned above, he repeatedly rails against the prohibition of all activity on Sundays and even recommends, in the name of divine mercy which he evokes on many occasions ('Ick wil barmherticheydt en geen offerhande'; 'Misericordiam volo, non victimas'), the setting up of beer stalls on such days:

The precept according to which it is not permitted to drink wine or beer in a tavern on Sundays, if we are only to consider rich men, does not seem to contain any injustice in itself, since the inconvenience suffered by rich men, deprived of what they need to calm their body and mind after a tiring week at work, can easily be found at home. Applied to poor men, on the other hand, who need rest above all and who often have no other distractions from the hardships and troubles of life, this precept demands to be examined more closely.<sup>106</sup>

Thus, the logic of self-preservation allows him to make light of what does not constitute a 'considerable' obstacle to the desired end, and he makes no attempt to hide his disagreement with those for whom '... the less beneficial, with respect to the more advantageous, is called a harmful thing ...' (p. 74). The allusions to his 'adversaries' are frequent throughout the *Epistolica dissertatio*, and one scarcely doubts, when he declares that 'I willingly admit that I cannot rise to that harsh and austere wisdom' (p. 74), that he is thinking of the upholders of the 'Nadere Reformatie'.

Apart from the fact that Velthuysen was a physician and that certain examples he gives in the text are obviously inspired by such practice, there is throughout the *Epistolica dissertatio* the very noticeable presence of a

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<sup>106</sup> 'Een gebod dat men op Sondaegen geen gelagen setten mach, als men op de rijken alleenlijck siet, schijnt gansch geen onbillickheydt in sich te hebben. Omdat het ongemack, dat de rijken daer door lyden, die't geen tot verquickigh van geest en lichaem, na een weeckelicke occupatie en vermoethydt in haer beroep noodich is, in huys genoeg weten te bekomen. Maer ten opsicht van den armen, die boven al wel een uyt-spanningh van doen hebben, heeft dat gebodt wat meer bedenking, om de selve rede ordeele ick dat het beroep van tappers die alleenlicke gelagen setten niet alleen wettelick en sonder sonden kan geschieden' (Van Velthuysen, *Het predick-ampt*, p. 304). It must be remembered that the question of the observance of the Sabbath was, at the same time, a matter of conflict, particularly between Voetius and Johannes Cocceius, the latter, although orthodox, advocating an anti-ceremonial interpretation of the Lord's Day. Van Velthuysen's standpoint was obviously along the same lines.

concrete and living context that appears to provide both the subject matter and the immediate aim of the discussions presented there.<sup>107</sup> The historical background to these discussions is that of the Dutch society of the time, a society living its Golden Age and in which individual success shines forth in every enterprise.<sup>108</sup> The sense of the longest insertions should thus be interpreted in the above manner. They do not indicate a change in Van Velthuysen's thought towards a more rigorous and uncompromising Calvinism, but on the contrary express an even greater desire to defend a certain individual liberty against the moral censure of the more orthodox Calvinists. If, in the second version of the *Epistolica dissertatio*, Van Velthuysen seems to insist more strongly on certain 'shameful' aspects of sexuality (see p. 101, n. 71), it is necessary to see that he is talking in the context of the 'secondary laws of nature', as introduced in the second edition and which command a sense of 'shame' in a world changed by the Fall.

### *Necessary Caution*

We are still lacking an explanation as to why Van Velthuysen took such care to remove all mentions of Hobbes's name that appeared in his first text. Was he attempting to win over the most orthodox fringe groups, following the controversies of the 1650s and the position he had adopted in favour of the 'new philosophy'? Or, rather, had he become afraid after certain events that took place during the years before the republication of his text (we should remember that the changes were made after 1676)? The *Epistolica dissertatio*—as we have highlighted already—was not the only one of Van Velthuysen's texts to have been revised for its republication in the *Opera omnia*. Almost all of Van Velthuysen's texts underwent changes—varying greatly in length and scope—between their first and second editions. The example of the defence of *De Cive* is particularly interesting because the differences relate to the work's main line of argument.

Johan de Witt's republic, whose main political maxim was that of the 'ware vrijheid', coincided with a major circulation of ideas and great intel-

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<sup>107</sup> We thus find references to the 'healing hand' (p. 93), the 'clyster' and the 'miscarriage' (p. 137).

<sup>108</sup> The oration of Caspar Barlaeus (1584–1648) on the wise merchant (Caspar Barlaeus, *Mercator sapiens, sive Oratio de conjungendis Mercaturae & Philosophiae studiis* (Amsterdam, 1632)) provides us with an articulate account of this sense of success and confidence in the individual's capabilities; see Catherine Secretan, *Le "Marchand philosophe" de Caspar Barlaeus. Un éloge du commerce dans la Hollande du Siècle d'Or* (Paris, 2002).

lectual freedom, but it could not always resist the attempts made by orthodox Calvinists to prevent the dissemination of works believed to be 'blasphemous and dangerous'. Famous episodes involving censure and violence punctuate the republic's history, even though it is right to praise it for its exceptional climate of tolerance and freedom. Between 1660 and 1672, there was pressure from the reformed consistories and local assemblies (or *classes*) from certain towns to withdraw several books from the market, and in some cases these requests were fulfilled. Works that gave offence were Lodewijk Meyer's *Philosophia S. Scripturae Interpres* (1666), Adriaan Koerbagh's *Bloemhof van allerley Lieflijckeyd sonder verdriet* ('A garden of all kinds of loveliness without sorrow') (1668), and Spinoza's *Tractatus theologico-politicus* (1670). In 1674, after the *rampjaar*, the 'Year of Disaster' (1672), that marked the end of the 'ware vrijheid' regime with the invasion of Holland by Louis XIV's troops, and onslaught from England at sea and from the prince-bishop of Münster and the Elector of Cologne on the eastern border, a single bill issued by the Court of Holland banned Hobbes's *Leviathan*, Spinoza's *Tractatus theologico-politicus* and Frans Kuypers's *Bibliotheca Fratrum Polonorum* (a compilation of Socinian texts).<sup>109</sup> In such circumstances, we should not be surprised that Van Velthuysen considered it more prudent not to openly parade his sympathies for the ideas of an author who was among those the Calvinist church condemned most vigorously, or that he preferred to delete Hobbes's name from his treatise. One year after Lodewijk Meyer's *Philosophia S. Scripturae Interpres* was published, he was already suspected of being its author.<sup>110</sup> One change added to the second edition shows that the possibility of censorship indeed worried the author of the *Epistolica dissertatio*: 'Nobody has ever published a book with such good fortune and so much to his liking that he was able to avoid either errors or at least critics ...' (p. 67, n. 22). This no doubt explains why he went so far as to deny his interest in Hobbes and *De Cive*.<sup>111</sup>

<sup>109</sup> See Jonathan I. Israel, *Radical Enlightenment. Philosophy and the Making of Modernity 1650–1750* (Oxford, 2001), pp. 276–278.

<sup>110</sup> See Frijhoff, *Bevochten eendracht*, p. 342.

<sup>111</sup> 'Et Synedrium tam enormiter in doctrina errans, errorem Hobbesii mihi exprobrat; cujus auctoris Tractatum De Cive me intra decennium manibus contrectasse ignoro: atque ejus Leviathani numquam quod sciam duas horas impendi; nec etiam mihi subit, me vel unicam opinionem in libro meo de Idolatria et Superstitione tradidisse quam ex Hobbesio mutuatus sim.' This rejection (which appears in Van Velthuysen's third *Apologia* (1669), in Van Velthuysen, *Opera omnia*, vol. 1, p. 598) has been pointed out in Klever, *Verba et sententiae*, p. 84, n. 34.

In addition to these episodes of editorial censorship, political measures were taken against the teaching of certain philosophical theories. Initially, the debate remained within the university. This was the case of the Leiden conflict in 1647, which led the curators of the university to forbid any mention of Descartes' name in classes or debates.<sup>112</sup> In 1656, however, the question of Cartesianism was discussed in several provincial synods, and the conflict moved onto a new scale in the debate on the freedom to philosophize (*libertas philosophandi*).<sup>113</sup> Johan de Witt was at pains to avoid a situation in which the theological quarrels would trouble the new public order, as they had during the controversies between Remonstrants and Contra-Remonstrants; in September 1656, he had the States of Holland adopt a decision requiring theologians and philosophers to respect the boundaries of their disciplines and not to encroach upon each others' territory. Twenty years later, in 1676 (precisely the period of interest here), opposition to Cartesianism resurfaced as part of the widespread rejection of 'novelties' that characterized the conservatism that followed the *rampjaar*. Events of this nature could not have failed to make authors such as Van Velthuysen, who were defending 'new' ideas, more cautious, all the more so given that tensions over the religious situation in Utrecht in particular were resurfacing at a time when the city was being forced to surrender to the French troops, in June 1672. Indeed, some churches were being handed over by the French to the Catholic minority, who had welcomed the occupier as their liberator (the cathedral was reconsecrated by the Cardinal of Bouillon) and, in the public sphere, ritual practices regained an importance that did not fail to wound the sensibilities of the Reformed.<sup>114</sup> Overall, however, religious coexistence did work during the occupation and did not cause any real violence. Conversely, after the French troops left the city in November 1673 and William of Orange made his entrance into Utrecht, he appointed to the municipal council regents who were faithful Orangists, which in practice usually meant that they were also orthodox Calvinists, and certain acts of intolerance marked the strong resurgence of the Reformed Church. Van Velthuysen, as we have already seen, was a victim of the way in which liberal-minded men were thus ostracized.

His disagreements with the most rigorist branch of Calvinist ministers and theologians, however, never prevented the author of the *Epistolica dis-*

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<sup>112</sup> Dibon, *Regards sur la Hollande*, pp. 605–607.

<sup>113</sup> Vermij, *The Calvinist Copernicans*, pp. 295–308.

<sup>114</sup> Forclaz, "Rather French than Subject to the Prince of Orange", pp. 516–517.

*sertatio* from consistently presenting himself as a true Calvinist. Not only does he take the trouble, in the very first pages of his 'defence', of warning that 'I do not at present wish to trouble myself with atheists' (p. 68), but, in another of his writings, he unequivocally presents himself as a member of the Reformed Church.<sup>115</sup> There is no reason to doubt his sincerity, and we should view him more as a representative of the liberal Calvinists who wanted the Reformed Church to open up to greater numbers of followers.<sup>116</sup> Like them, he wanted to persuade people; he hoped to convince them intellectually and, in the end, the substance of the main changes he made to his text strived for that aim. He was by no means trying to correct what he had said, but rather to show with greater force how his theory could be perfectly reconciled with theology in general, and promised a certain kind of freedom for the individual.

### Conclusion

The main interest of the *Epistolica dissertatio* lies in the way Van Velthuysen has taken from Hobbes an argument for a secular deduction of natural law and for emancipating his metaphysics from theology. In so doing, he appears to be both in the tradition of Grotius and original compared to the great Arminian scholar of law, not only because he excluded the 'common consensus of nations' as a valuable argument in founding morality, but also because he tried to build a universalist morality upon the principle of self-preservation.<sup>117</sup> Therefore, Van Velthuysen appears as a true step towards the great natural right theorists of the eighteenth century. What is more, his clever rhetoric about self-preservation aims at showing that although independent from biblical revelation, his theory is perfectly in harmony with theology if one considers that, since the Fall, the natural law stands as the only way of knowing God's will, and therefore as the only possible foundation for learning what is right. From there, Van Velthuysen's contribution appears not only as providing civil justice with a rational argument but also as providing man's liberty with an argument able to neutralize the power of the theologians. If we relate the *Epistolica dissertatio* to some other texts

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<sup>115</sup> 'Nam, quemadmodum publice me profiteor Reformatum Belgam ...', *Doctrina de gratia et praedestinatione tradita nova methodo* (Van Velthuysen, *Opera omnia*, vol. 1, p. 252; cited in Krop, 'Spinoza and Velthuysen', pp. 112–113).

<sup>116</sup> See Mijnhardt, 'The Construction of Silence', pp. 254–257.

<sup>117</sup> See p. 27 above.

published later by Van Velthuysen (like the *Ondersoek of de Christelijcke Overheydt eenigh quaedt in haer gebiedt mach toelaten* of 1660), it becomes clear that such a concern was central to his political thought and was perhaps also part of the crucial challenges posed to any author in this period. In the Dutch context of 1651, for both the dissemination of Cartesian philosophy and the republican promotion of individual liberty, the orthodox Calvinists had to be more or less tamed, but this was also true in the context of the 1680s, when the *Opera omnia* were published. The fact that Reinier Leers—the famous publisher of Rotterdam who would print the first edition of Bayle's *Dictionnaire* in 1696—chose to make himself known within the 'Republic of Letters' through the works of Van Velthuysen as his first product is highly significant.<sup>118</sup>

The 'defence' of *De Cive* as Van Velthuysen presents it also makes a precious contribution to what should be understood by a work's 'reception'. It prevents us from understanding reception as the faithful transmission of a thought system, showing it to be more akin to active appropriation. The notion of faithfulness is not relevant here and, above all, does not offer a fruitful line of investigation. Indeed, the process of reception is more ambiguous than a simple restatement of a system. Far from limiting himself to a 'defence' that aims to 'demonstrate that the procedure observed by the learned Mr. Hobbes in deriving the natural laws and what is contained in the first chapters is a legitimate one' (p. 2), Van Velthuysen goes so far as to write an actual treatise on morality, based on this 'method'. In order to do so, we have seen the 'reorientations' to which he subjects an author's thought. He is aware of these and openly claims authorship of them. It is notable that, in an addition to the second edition, he clarifies the intellectual process he followed during this appropriation technique: '... from his writings, with minor changes and alterations, I have obtained much assistance in making a rational decision in controversies concerning equity and justice' (p. 65, n. 20). The description Van Velthuysen provides here of his efforts with regard to reception bears a striking resemblance to what Justus Lipsius said in the preface to his *Politica*. He stated there that he had encountered greater difficulty 'through walking in the footsteps of others than if I had proceeded by giving my mind free rein'.<sup>119</sup> On the subject of the 'Cento'

<sup>118</sup> See Otto Lankhorst, *Reinier Leers (1654–1714), uitgever en boekverkoper te Rotterdam: een Europees "libraire" en zijn fonds* (Amsterdam, 1983), pp. 45–46.

<sup>119</sup> 'Atque eo maior mihi molestia, quod per haec aliena vestigia sic iverim, tanquam in liberrimo ingenii cursu.' (Justus Lipsius, *Politica. Six Books of Politics or Political Instruction*, edited with translation and introduction by Jan Waszink (Assen, 2004), p. 232.)



that his work constituted, he then indicated the way in which he had chosen to 'freely' follow the path trod by others:

... what reason was there not to give a small and fitting twist to something?  
 ... I am in no way going to make excuses for not always strictly repeating the words of authors exactly as they put them: but I inflect them slightly in case or tense, so that they fit into my argument.<sup>120</sup>

But beyond this rather stylistic vision of the process of reception, the conceptual aspect is a much more far-reaching one. What it makes crystal clear is the fact that reception is never innocent and is often intended to serve an actual purpose. What also appears, however, is the striking paradox of reception as both unfaithfulness to an inspiring system and a great tribute to an author.

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<sup>120</sup> '... quidni leviter aliquid nec indecore torquerem? ... Nam illud omnino non excuso, quod Auctorum verba non rigide semper, et ut ab iis posita, repono: sed in Casu aut Tempore, pro orationis meae conformatione, pauxillum inflecto.' (Ibid., pp. 238–239. A 'cento' is a patchwork of quotations from ancient authors; see *ibid.*, Introduction, p. 4.)



# A LETTER ON THE PRINCIPLES OF JUSTNESS AND DECENCY



## PREFACE TO THE READER

\* 2<sup>r</sup> Gentle reader,

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There are many circumstances in which men happen to set a work before the public. Some are impelled by a zealous desire to be of public service, others are urged on by a lust for revenge, others still are driven by the desire for an honourable reputation. A few are compelled by necessity and duty, it being in everyone's interest to have regard for his good name and reputation and to avert from himself the suspicions of men who impute to us either such vices as would not suffer us to be counted any longer among the number of honest men, or such teachings as would far remove us from true piety should one of us direct the course of his life according to them. A man is beset by the latter suspicions (if he espouses a teaching of some or other author)<sup>1</sup> that has been condemned for many serious errors or impiety.\* If its advocate considers this teaching to be harmless, however,

\* 2<sup>v</sup> and at the same time believes it capable of conferring exceptional benefit on human society should men put their faith in it, he is, in that case, justly impelled by a twofold reason for writing: the desire to protect the integrity of his reputation, and that of obtaining some favour from the public.

This being my present situation, I did not wish to fail in that duty whereby each man is bound to have regard for his honour, not being too anxious concerning what I owe to the public, since I recognize how little I am endowed with such gifts and arts as might confer some public benefit. Thus, when an uncommonly learned philosopher, a man to whom I was most eager to recommend myself, disagreed with me on certain points and made known to me the reasons for his disagreement, recounting a list of absurdities that seemed to follow from the principles (of the learned Mr Hobbes, whose path I follow in the science of morals,)<sup>2</sup> I believed that I had been presented with a most favourable opportunity, which I did not wish

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<sup>1</sup> Replaced in 1680 by: 'who is favourably inclined towards a teaching of some author'

<sup>2</sup> Replaced in 1680 by: 'that I have embraced,'

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\* This is the first of several allusions to the controversy that had apparently already been aroused in the Netherlands by the publication of *De cive*, although none of the criticisms had yet appeared in print.

\*<sup>3r</sup> to lose, (to exculpate both the author and myself from errors,)<sup>3</sup> judging that no work could ever be undertaken to greater advantage.\* For I foresaw that if it were possible to bring him over to my way of thinking, the contest with the rest of my adversaries would be nothing but child's play. And so I eagerly girded my loins for a reply in the form of a letter which, impelled as I was by the desire to satisfy an outstanding man, grew under my hand into the size of a small book.

(The primary aim of this work is to demonstrate that the procedure observed by the learned Mr Hobbes in deriving the natural laws and what is contained in the first chapters is a legitimate one. Although I consider the remaining chapters to deserve every praise for the exceptional industry that is everywhere revealed in them, I nevertheless wish to have nothing to do with them, and I would have added what I judge to be blameworthy in them if that had not been wholly foreign to my purpose, and had I not perhaps acted the judge with greater danger than if I had professed myself to approve of everything. Everyone knows how dangerous an undertaking it is to presume to define fundamental articles, especially for a private individual who is protected by no defences and lies open to every thrust of false accusation. Taught by the example of many others, therefore, I have restrained myself rather than have this turn out well for nobody. And nowhere does our author labour under greater unpopularity than where he discusses the Christian religion.)<sup>4</sup>

Thus, I attempted to prove to that learned man that the natural laws and such things as more immediately flow from them (have been legitimately demonstrated by Hobbes.)<sup>5</sup> To what extent I might have satisfied him, however, there is no need to recount here, since I hold nobody to be the follower of an author unless he takes his side under the guidance of reason, having no interest in the body of those who, leaning only 958

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<sup>3</sup> Replaced in 1680 by: 'both to render those principles clearer and to exculpate myself from errors.'

<sup>4</sup> Replaced in 1680 by: 'The primary aim of this work is to demonstrate that the procedure I observe in deriving the natural laws is a legitimate one, laying down self-preservation as the fundamental law and that from which the others emanate, while making a certain distinction that is dealt with in this letter:†'

<sup>5</sup> Replaced in 1680 by: 'can be legitimately demonstrated from the above-mentioned first law.'

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\* On the possible identity of this man, see Introduction, p. 17 above.

† I.e., the distinction introduced in the 1680 edition, apparently in response to criticism, between the condition of man before and after the Fall. See, especially, the passages at nn. 7 and 27 below.

upon authority or the testimony of some distinguished man, profess some teaching without further examination. Nevertheless, and this much is clear, if the fates had granted him a longer life,\* he would have put forward such principles of right and equity as were so little different from mine that he could have been justly considered to have been on my side, and I would have willingly opposed his authority to the calumnies of my adversaries rather than this little writing of mine, for it is of no small importance by whom the defence of something is undertaken. Since, however, that dear man whom the fates for a time granted to the world has been yielded up to a heavenly abode, and meanwhile daily swells the number and authority of those who, (with great harm to the study of politics and ethics, desire that our distinguished author be suppressed and removed from the hands of students,)<sup>6</sup> I believed that I should go onto the attack and, if I could, avert such a great disaster from the republic of the learned. For this is my judgement concerning these principles of natural laws: either they must be admitted, or a man must remain in doubt and uncertainty, struggling to prove to himself and to others the justness of his deeds by means of a solid reason, which, I am absolutely convinced, nobody can find in natural instinct, common notions, the custom of more civilized nations or other things of that kind.† And it would be easy to persuade others of this matter<sup>7</sup> if I did not foresee that the impious would seize upon my arguments, and what is demonstrated from the arguments, as the pretext for leading a wicked life. For I would probably sooner convince such men, it being the nature of men to be inclined away from virtue and towards vice, of the doubtful credibility of commonly held principles than of the unchangeable certainty of ours.

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<sup>6</sup> Replaced in 1680 by: 'with great harm to the study of politics and ethics (as, indeed, is my opinion), desire that the principles I defend be suppressed.'

<sup>7</sup> Replaced in 1680 by: ', to the extent, of course, that one can make a judgement concerning the benefit, or even the necessity, of natural laws, now that the condition of the human race has been thrown into confusion by the crime of the first parents. And I would have examined this matter further, and it would be easy to persuade others of it.'

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\* I.e., the original addressee of the letter and not, as has been supposed, Hobbes; see Introduction, p. 18, n. 54 above.

† Van Velthuysen's target here is classical and mediaeval forms of natural law theory, which sought to demonstrate the universality of natural law by reference either to the agreement of all nations or to human nature (see also the more extended discussion on pp. 88–99 below). The term 'common notions' should thus be understood as referring to practical, or moral, reason rather than to speculative reason (cf. Thomas Aquinas, *Summa theologiae*, I<sup>a</sup>II<sup>ae</sup>, q. 94, esp. a. 2 and a. 4).

You will ask: Has then this truth lain hidden in a pit and escaped the attention of erudite men for so many centuries during which the study of ethics and politics has been cultivated, and has it only now been brought to light and placed in view by (the noble Englishman)<sup>8</sup> and yet even now does not recommend itself to the minds of many?

\* 5<sup>r</sup> I parry this thrust, from the uneducated and the learned alike, in the following manner: I readily acknowledge the matter itself, that is, that there were moral and political virtues, that the demonstration that they are just has been undertaken by many, and that certain men of the past have been quite successful in that effort in relation to the understanding of their times. I maintain, however, that they deduced their proofs from such principles as could rightly have been called into question by astute persons who accept only what is undeniably certain. For since, until now, neither those men nor others have applied their efforts by this system of doubting everything, it has also never happened that those many principles, uncertain if they do not rest on a further proof, have been reduced to some one principle without which the certainty of the rest shakes and totters.\*

Besides, if we seriously consider what is required before any truth is brought into the open, whether it was never known or was previously divulged but had been plunged back into darkness through carelessness  
 \* 5<sup>v</sup> and neglect, we shall no longer be held in wonder at how it was that the truth managed to remain hidden for so many centuries, even from those regarded as learned. 959

First, it is clear that an uncommonly great effort is required for it, but how meagre in every age has been the supply of sufficiently capable men. Then, out of the small number of those, how few who devote themselves wholly to scholarship. And of those who bestow pains on scholarship, how few who apply themselves to the study of the truth!

Some seek skill in languages, others a knowledge of history, a portion invests time and effort in reading the Fathers. Nor are there lacking those who, desiring to encompass the entire sphere of disciplines, in individual ones consider it sufficient to follow the first steps of the subject. A premature reputation for erudition calls forth others to public and academic

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<sup>8</sup> Replaced in 1680 by: 'a few men'

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\* Cf. Descartes, *Meditationes*, I, in René Descartes, *Oeuvres de Descartes*, ed. Charles Adam and Paul Tannery, 11 vols (Paris, 1897–1913), vol. 7, pp. 17–23.



affairs, where they can hardly put aside any time from their public cares to devote to discovering the truth.

\* 6<sup>r</sup> Besides, how much is required of those who, once they have surmounted all these obstacles, wholly (apply themselves)<sup>9</sup> to the study of truth, before their efforts can yield a successful harvest? First, a mind free from preconceptions. It will probably be easier, however, to find someone who has attained the highest degree of learning to which the force of the human intellect can ascend than a man so much in love with freedom that he can strip himself of every preconception. There are few who have not declared their opinion before they engage in a detailed examination of any question; even fewer who are prepared to retract their former opinion lest they show themselves to have been in error, especially if the way has been shown by another with a lesser reputation than themselves or to whom they begrudge the praise, or if they must amend the very point on which, until then, they have based their aspirations to the ladder of honour and glory.

Several place such importance in friendship that they are afraid to publicly acknowledge a truth lest they harm the friend in whose interest \* 6<sup>v</sup> it is that the truth be concealed. Others are so gripped by fear if new things are made known that they would rather cheat the public of them than subject themselves to the trifling danger they fear from those who indiscriminately censure everything that is new. (The latter are afraid)<sup>10</sup> that they will lose the esteem they have if the authority of such teachings grows, as they have little or no knowledge of them and see themselves reduced by them to a study of first principles with the beginners. And this is the chief reason why nobody wishes to cast aside what he has wrongly learned in his youth.

Many attribute so much to antiquity that they think it a crime to depart from it by a hair's breadth, and that old, immoderate and so deeply rooted belief has caused many teachings to survive that commend themselves by no other title than that of great age, as if truth were to be reckoned in years and one should resort to the calendar as soon as a teaching is \* 7<sup>r</sup> debated. These, indeed, are the reasons why many who devote themselves to a study of the truth are nevertheless unable to attain to the truth.

To say, however, that a truth that has lain hidden in previous centuries cannot sometimes be elicited in our age is to insult nature, which is never

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<sup>9</sup> Replaced in 1680 by: 'give themselves'

<sup>10</sup> Corrected in 1680.

exhausted but constantly blooms with vigour, never ceasing to produce something new with which to seize her observers in admiration. Nor do we lack examples, old and new, from which it is clear that in almost every age some or other truth, submerged, so to say, to the lowest depths through human negligence, is brought back to the surface and placed in view, even by the efforts of one man. Thus, if anything comes by the title of novelty, it is not on that account to be thrown back in disgust. 960

What, I ask, is there to wonder at in the fact that many who are styled learned do not accept (the principles of our author?)<sup>11</sup> Never have the affairs of men been so well ordered that what was best has pleased the most. And there are many who enjoy the false title of learned whose entire reputation for learning has been put abroad either by certain servile authors, motivated by love or money, or by the unwashed masses. Of such men, not a few are regulators of the life and religion of the common people, which profession offers the shortest path to empty glory.

For many recommended by their learning, it is enough to know the sects, the differences of opinion, the writings of the authors, and to have a superficial knowledge of the received teachings (which in conversation can generally suffice to safeguard their reputation for learning).<sup>\*</sup> Others in this erudite age accomplish no more in the recognition of the truth than those who, (in a city that often needs to extend its walls because of the influx of people, learn the names of the new quarters)<sup>12</sup> while being totally ignorant of the mode and form of government of the community in which they dwell. It is the practice with others, already convinced that nothing that departs from their principles is worthy of further examination, to survey the writings of modern scholars so perfunctorily and, so to say, with such a fleeting eye that it is clearly impossible to draw out the meaning of the author in so short a time.

Sometimes, too, a faction of a few learned men becomes so strong that the fame or obscurity of all other learned men is dependent on their studies. There are also many called learned whose strategy is this: by vilifying the writings of others, they extol and add value to their own, bursting into the citadel of glory through the ruin of another's reputation,

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<sup>11</sup> Replaced in 1680 by: 'these principles of morality?'

<sup>12</sup> Replaced in 1680 by: 'learn the names of the quarters of a city'

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<sup>\*</sup> I.e., the manner in which the history of philosophy was presented in Diogenes Laërtius, *The Lives of the Philosophers*.

when in fact they have often used the oars and sails of the condemned author in their own navigations.

\* 8<sup>v</sup> These then are the reasons why a good author does not always meet with applause at the hands of the learned, and if anyone ponders them with a balanced judgement, I think that in future he will dwell among the race of all authors with greater diligence and profit. It was for this reason, moreover, that I wanted to write such a long preface, both so that I might obstruct the evil designs of some, since it is of the greatest importance that such a pernicious thing does not become an example, and so that I might, as with a relish, stimulate the reader's palate, which many, seduced by the authority of others, have had spoiled for a fruitful tasting of (what is contained in our author, which I know from long experience to be such as can, in a few words, deliver something consummate to the study of ethics and politics)<sup>13</sup> if it is given substance by constant meditation. (And it belongs to this author to be read and ruminated upon with the same deep meditation that he employed in writing.)<sup>14</sup>

I shall be pleased, however, if from this scribbling of mine some light can shine upon (that excellent author)<sup>15</sup> to facilitate entry to these mysteries for students of the truth, and if I can have been of benefit to the public and at the same time looked after the reputation (of the author and of those who follow in his footsteps.)<sup>16</sup> Farewell.

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<sup>13</sup> Replaced in 1680 by: 'what is transmitted by new authors, of whom I have learned by experience that any part is such that one may with singular benefit steep oneself in reading them.'

<sup>14</sup> Deleted in 1680.

<sup>15</sup> Replaced in 1680 by: 'these principles of ethics'

<sup>16</sup> Replaced in 1680 by: 'of those who follow this path and are therefore held in ill repute among certain men.'



A LETTER ON THE PRINCIPLES OF JUSTNESS AND  
DECENCY, CONTAINING A DEFENCE OF THE  
TREATISE *DE CIVE* OF THE LEARNED MR HOBBS<sup>17</sup>

1 Learned Sir,

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It is always most pleasing to receive your letters, as much because they demonstrate your extraordinary and admirable erudition, as also because I reap from them those chief rewards of friendship that sincere and honest criticism is apt to confer. This is manifested, among the many others, by your most recent letter in which, in keeping with the openness of your  
2 character and your great learning in matters of philosophy, you wished to draw my attention to certain difficulties that seem to attend my notion of the principles of right, which, you say, I mentioned only generally and in passing.

Nothing could be more pleasing to me than this admonishment of yours. That you suspect my ideas of so many errors and difficulties, however, I perceive to have arisen because you saw that they have a great affinity with the principles of (the learned Mr)<sup>18</sup> Hobbes, which author, so I hear, is now discredited by wicked rumours and is reckoned among the most accursed writers of this corrupt age, grave strictures being levelled against him.\* But a preoccupied mind has deceived you, sir, into thinking that I have come down in favour of every single thing that has been said  
3 (by the learned Mr Hobbes)<sup>19</sup> or that by a sound chain of reasoning can be attributed to him. I confess that I have perused that author, as I have many others, and that from his writings<sup>20</sup> I have obtained much assistance in making a rational decision in controversies concerning equity and justice. Furthermore, whenever the opportunity arises, I cannot refrain from

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<sup>17</sup> Deleted in 1680.

<sup>18</sup> Deleted in 1680.

<sup>19</sup> Replaced in 1680 by: 'by that author'

<sup>20</sup> Inserted in 1680: ', with minor changes and alterations,'

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\* These 'ideas' were first set out in [Lambert van Velthuysen], *Specimen refutationis libri Crellii de satisfactione Christi. Authore L.V.* (Utrecht, 1648), which distinguishes between God's right to establish laws and punish crimes, based on absolute dominion, and that of the magistrate, based on contracts and the right to self-preservation, and touches on many of the themes discussed in the present work.

(expressing my gratitude and, by praising his efforts, repaying the man by whom I consider myself to have been furnished with the greatest service, because he presented his book to the age.)<sup>21</sup> Indeed, what other recompense to learned men, who do not greedily set a price upon their efforts, can surpass a famous name and good reputation?

You may object, however, that it is said the man's writing contains many dangerous things and is carried over into new teachings at great risk to the truth. But who ever wrote so skilfully as to escape the censure of  
 4 the severest critic, and so that there do not appear, in any place, things lacking in sound judgement? Who ever attempted a great and memorable deed without risk? How much more satisfying it is to approach the most worthwhile and uncommon ends, with their attendant danger, than by hugging the shore, so to speak, always to cling to familiar things, of which there are few capable of holding the attention of a careful investigator. America would to this day be an unknown land to us, and we would have been without the greatest treasures, had not a bold race of men propelled itself beyond the customary limits of navigation. Nor did any one of those men disapprove of the undertaking, no matter how many shipwrecks might have plagued the journey. Who, on the other hand, can bear the impudence of those sailors who, while they never dare to sail their ship into deep waters, nevertheless do nothing but scornfully ridicule the  
 5 mistakes and shipwrecks of others? Thus, they appear to me to sin greatly against both good manners and the public good who through abuse divert the efforts of learned men away from an investigation of the truth.

For if the work of these men reaches the promised goal, it proceeds 962 to the public good. If they miss the mark, the error cannot long remain hidden without the industry of others bringing it to light. If this be done with moderation, the efforts of the investigator will come to nought, but his good name and reputation will remain safely intact. For this reason, indeed, I do not condemn the efforts of those who undertake to refute authors with whom they are not in agreement, but I do wish that many of them possessed moderation and a fairness of mind. For what moderation may you hope for from those who, before it has even come to a fight or they have suffered any harm that might move them to anger at the hands of the man whom they raise up as their enemy, from the beginning  
 6 show as much ferocity as if their opponent had already committed some profligate act more cruel than in any tragedy? Believe me, honourable sir,

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<sup>21</sup> Replaced in 1680 by: 'declaring this opinion of mine by praising the man's efforts.'

these people have never given pleasure, nor do they understand the needs of mankind.

7 ‹I do not remember meeting anyone who did not find faults in a book, but I have come across none who think it right to knock the book out of the hands of students of a more upright character and disposition, or to condemn it to obscurity. Rather, they deem it sufficient with such kinds of book if the defects and blemishes are passed over with a brief refutation and the rest is not cheated of the esteem owing to it.›<sup>22</sup> Indeed, how much more fruitful it is to read authors of this type than to waste time disentangling the writings of those authors who, having produced nothing by inspiration and prepared nothing through hard work, but by  
 7 daylight robbery and through feeding off the people, as it were, confer on themselves the praise achieved by the hard work of others and, turning everything inside out, publicly promote the works of others as their own.

What business is it of mine, however, to furnish a defence ‹either for the learned Mr Hobbes or for writers like him? For I am a disciple of his teaching, and not of any man.›<sup>23\*</sup> Nor is there anything here peculiar to me and different from the common cause, which obliges everyone to promote the study of the truth. ‹Yet, in my opinion, this man is not at all to be regretted by our times, and if anyone should chart a course in moral philosophy according to his principles,›<sup>24</sup> with the occasional and brief change of direction, I believe that he can successfully reach his port.

8 ‹Lest I may seem here to unthinkingly magnify his praises,›<sup>25</sup> however, I am disposed to conduct a trial by briefly touching upon individual points that pertain to natural justice and equity, for to cover the entire field is not

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<sup>22</sup> Replaced in 1680 by: 'Nobody has ever published a book with such good fortune and so much to his liking that he was able to avoid either errors or, at least, critics, but I have met with none who think it right to knock the book out of the hands of students of a more upright character and disposition, or to condemn it to obscurity, for the reason that it is not free from any blemish. Rather, they deem it sufficient with such kinds of book if the defects are noted and the rest is not cheated of the esteem owing to it.'

<sup>23</sup> Replaced in 1680 by: 'for such writers? For I follow the teachings of no one except Christ, nor do I follow any man.'

<sup>24</sup> Replaced in 1680 by: 'I nevertheless consider the principle of self-preservation, when suitably explained, to be good and correct, and if anyone should chart a course in moral philosophy according to it,'

<sup>25</sup> Replaced in 1680 by: 'Lest I may seem to unthinkingly exalt it more than is appropriate,'

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\* Such statements were commonplace in the seventeenth-century Netherlands in controversies surrounding the new philosophies. They were ultimately derived from Horace, *Epistulae*, I, 1.14.

suited to the restrictions of a letter. And I prepare myself for this task with all the more pleasure for the reason that in this way I shall both weaken your argument, which was supplied to you by a suspicious mind, and place in view what things I consider worthy of censure or imitation (in that author.)<sup>26</sup> I am confident, moreover, that in this way my opinion will be proved to you and to other honest men.

In order that everything may proceed methodically, let me premise certain matters that are beyond controversy so that the entire system of connections, from highest to lowest, may be clearer. Thus, I propose that God exists, and equally I ask that it be granted to me that He created the world in His wisdom. I also assume that He wishes to exercise the virtues of justice and truth in the government of the world, since no Christian can  
 9 deny this and I do not at present wish to trouble myself with atheists.

Once these postulates are granted, I draw from them the following corollaries and conclusions. First, that in creating the world God proposed to Himself an end, for what other way of acting is wiser than to direct the means towards an end? Just as, where no end is proposed, there is no place left for wisdom, and each man's desire will instead be the prompt to action. Secondly, we conclude that the means ought to contain within themselves a tendency towards the attainment of their end, otherwise it cannot be said that the Best and Greatest God has been working towards an end. For he who acts from wisdom, while at the same time desiring an end, also desires the means appropriate to that end.\* Otherwise, he would at the same time both desire it and not desire it. From the above, this is also self-evident, namely, that it cannot be known what God decided should be done with the means unless we know the end. Thirdly, we conclude  
 10 that man will not go unpunished if he deviates from the order that God wishes him to observe in the attainment of the end that He proposed to Himself and to man, and that he will be rewarded if he organizes his life and habits according to the order prescribed by God. For the justice of God signifies nothing other than the appropriate distribution of punishments and rewards; that is to say, that circumstances be harsh for the wicked, pleasant and desirable for the good. Neither do I wish the word 'truth' to be understood in any other way, so that when the discussion concerns 'justice' it does not differ from the latter in meaning. 963

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<sup>26</sup> Replaced in 1680 by: 'in the author of that principle.'

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\* Cf. Hobbes, *De cive*, I, 8.



From all that has been said before, it is concluded (that there exist moral virtue and vice, and that it is the duty of man to pursue the former and to avoid the latter.)\*<sup>27</sup>

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<sup>27</sup> Replaced in 1680 by:† 'not only that there exist moral virtue and vice, which is immediately recognized from common notions, but that the nature of virtue is not to be sought from reasons of advantage and benefit, but from reason itself, of which reason no new reason should be sought, since then the matter would regress to infinity. Nor does that reason depend upon the advantage and benefit imparted by the cultivation of virtue in a civilized society in the sense that there would be no discernment of virtue if, as a result of exercising it, there were not exhibited the avoidance of many misfortunes and the acquiring of many advantages; and as if the consideration and evaluation of the evils and benefits brought about by the exercise of virtue had given birth in us to the idea and notion of virtue, and that concept had not been implanted in us by some divine power. For in that case, in the state of innocence in which nothing was harmful to man, the notion of virtue would have escaped him and virtue would not have been something to be desired for its own sake and because of its dearness, but for the sake of advantage and benefit, which common sense rejects. Thus, I did not wish from the above to deduce the essential nature of virtue, but to show why even now after the Fall of Man, which upset and threw everything into confusion, it is of importance for man to strive after virtue so that he may provide himself with benefits and avoid misfortunes. This is another way of considering virtue than that which had its use in the state of innocence. For then, when the evil and the harmful were not known to man, there could never arise in him the idea of, and reason for, virtue considered according to its nature of being useful for the acquisition of benefits and the averting of evils. Instead, he was then exercising virtue because his holy nature led him to it. And I draw to your attention, sir, that I am speaking here of virtue and vice considered according to their later form. And just as there is one way to consider the function of eating and drinking in creatures, as well as of the passions in man, in so far as since the Fall they are considered as means by which we may protect our lives against death, diseases and the dangerous inclinations of men, and another way of considering all of these things in so far as before the Fall, human life being assailed by no evils, man did not judge the worth and dignity of those things from a fear of death and the hope of prolonging life opposed to the fear of death, so the assessment of virtues and vices will be different according to the difference between these two states. And a man who understands these matters will never lack an appropriate response to what is commonly objected against the doctrine that I am now defending.

According to what has been adduced from the above, it is the duty of man to pursue virtue and to flee vice.'

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\* Cf. Thomas Aquinas, *Summa theologiae*, I<sup>a</sup>II<sup>ae</sup>, q. 94, a. 2, where this is the first precept of natural law from which all others are derived but which is immediately apprehended by reason.

† This first lengthy addition in the 1680 edition establishes the distinction between virtue considered before and after original sin (cf. Lambert van Velthuysen, *Tractatus moralis de naturali pudore et dignitate hominis in quo agitur, de incestu, scortatione, voto caelibatus, conjugio, adulterio, polygamia et divortiis*, etc. (Utrecht, 1676), pp. 6–12, where a similar distinction is employed; Augustine, *De civitate Dei*, XIV, 9–10). Van Velthuysen appears to partially rehabilitate Thomist natural law theory, in which the notion of virtue arises from a consideration of human nature, but restricts its validity to the period before the Fall.

It is clear that the establishment of the end creates the distinction between virtue and vice: the decree to exercise justice and truth, or rather  
 11 the natural necessity in God, imposes the necessity of a devotion to virtue and the banishment of vice on man and every free creature. For, even though the notions of seemliness and unseemliness may become apparent through the order established in the world, I still do not see that it can thence be deduced that it is man's duty to pursue that beautiful thing if he may gain more pleasure from something unsightly. When, however, a man understands that a heavy punishment hangs over him if he does not strive after virtue, he sees that it is as necessary for him to follow virtue as to avoid pain.\*

Thus, from these premises, anyone can see that two things are incumbent upon a rational creature. First, an inquiry into the divine will; that is, does God wish us to know what are the duties that must be fulfilled by us  
 12 in relation to the end that God has set Himself, or has He made man with the right to do as he pleases? Then, an investigation of the end and of the order that God wishes us to observe in the attainment of that end. 964

It is clear from the above, however, that it is the gracious purpose, indeed the will of God, that we should know our duty, because He wishes to practise justice, for which there can be no place if, out of unconquerable ignorance, the order established by Him is sinned against. Therefore, knowledge of that order is not impossible to man, and God has supplied a rational being with means by the assistance of which he can make for the road to that knowledge.

Now, the entire problem of the matter under discussion has come down to this, namely, which path a created being ought to take to be certainly led to a knowledge of the will of God. Concerning the road made known by revelation there is no difficulty at present.<sup>28</sup> But there is a difficulty concerning the path which gentiles, (to whom the word of God has never

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<sup>28</sup> Inserted in 1680: 'nor is there along the road that obtains in the state of innocence, in which man follows virtue because, being holy, his holy nature directs him to it, and he has come to know virtue not because it provides any benefit, but because exercising it follows on from a holy nature.'

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\* It is at this point that Van Velthuysen decisively parts company with Scholastic natural law theory, according to which it was sufficient to perceive the natural order to know what was right or wrong, divine law serving only to direct men towards a higher end and to compensate for human deficiencies (see, e.g., Thomas Aquinas, *Summa theologiae*, I<sup>a</sup>II<sup>a</sup>e, q. 91, a. 4).

13 been entrusted,<sup>29</sup> must start upon, as also concerning that upon which are cleared up such difficulties as do not find an obvious solution in Holy Scripture, but that require rational argument. Leaving aside the various divergent opinions on this controversy, I shall show directly which road I consider to be worth setting out upon. You, noble sir, be a spectator. If I extricate myself from this labyrinth, you, by following the line of thread and my footsteps, will penetrate the citadel of truth with me. If the enterprise should turn out less happily, I shall have taken the effort and the loss upon myself alone.

*The foundations of all laws are demonstrated*

If I may, I shall imagine myself empty of all learning, destitute of all principles except those which I asked to be granted to me above. Thus, I know that God exists, that He created the world in wisdom, that He proposed to Himself an end, and, in consequence, that He has ordained the means for its attainment. I know that He made me a part of the means,  
14 and further that God has also demanded a duty of me and has made judgement upon it. But I know that He wishes me to choose it freely. If I do this, a reward has been provided for me; if otherwise, a punishment has been ordained and will certainly follow. And I am therefore no longer undecided as to whether I submit to my own desire or to the will of God.

Thus, from an understanding of the end considered generally, I shall argue as follows: anything whatever that is so fashioned in its own nature as to obstruct the end intended by God in the creation of the world is prohibited by natural law, but whatever is of such a nature that without it the end cannot be achieved is prescribed by natural law. And this seems to me the only true method for arriving at a knowledge of such things as are prohibited or prescribed by natural law.

15 Moreover, God cannot now render any of these laws powerless, the truth of which opinion is immediately apparent, since otherwise God would at the same time want something and not want it: He would desire the end and yet not desire the means necessary for the attainment of the end. For which reason, just as it is most true (and is very well known among those learned in religion and law) that *whoever gives the right to*

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<sup>29</sup> Replaced in 1680 by: '(human affairs now having been upset and confused through sin)'

*an end also gives the right to the means without which that end cannot be achieved, and the necessity of the end makes it a moral right*, so this is most true with respect to God: he who desires an end necessarily desires the means without which that end cannot be achieved, and therefore God cannot repeal such laws.

Retracing my footsteps, I say as I did above that either things considered in themselves are generally required for the achievement of the end, and with regard to these are employed positive natural precepts; or things generally, and considered apart from all external circumstances, obstruct the end, and with regard to these are employed negative natural precepts; or things acquire from changeable circumstances a twofold relation towards the end, and such are prescribed or prohibited by natural permissive law, and are positive or negative. And from this natural permissive law arise human laws, as much those particular to each state, which we call municipal laws and laws of the realm, as the laws of nations that do not issue directly from natural law. For the law of nations is of two kinds: one that properly speaking belongs to natural law but has borrowed the name since it is the law that stands between nation and nation, people and people, even though formally it does not differ from natural law. Of such a kind is the law of ambassadors. The other is one that does not formally belong with natural law but with human law, and is introduced by natural permissive law and called the law of nations because it obtains between nation and nation, or because through the custom and use of many nations it has acquired the force of law. Of such a kind is that which allows weapons and instruments of war but not the poisoning of wells or the killing of an enemy by a secretly hired assassin. For I am allowed by natural law to destroy a foe in any way and to apply the means by which I firmly believe the enemy can be brought back to order, so long as this is done without treachery. But the custom among more civilized nations is that it is no longer equitable to threaten such things against an enemy lest the dangers be too greatly increased by either side. Such laws can be changed, therefore, and often are changed, just as happens with human laws. The former laws of nations do not admit of change, since they issue from imperative or prohibitive, not permissive, natural law.

Hence it is evident that no laws that are born of human authority achieve the power and authority of a fair and just law if they do not have some natural law as their foundation and intrinsic reason. That is, they should either remove obstacles that create a barrier to the attainment of the end, or provide assistance through which the end may be advanced, otherwise they are unjust. For no magistrate has procured for himself

more right over his subjects than what serves to advance that end. Neither does an individual in a primitive state of law possess, nor can he justly procure, more right over his neighbour than he judges useful for his self-preservation and the attainment of the end for which God appointed him. In what manner these things are to be understood, however, will be explained later in more detail.

Whatever matters partake of such a nature that they are neither harmful nor beneficial are of a morally indifferent nature, and should not be called either good or bad. Such actions are walking, standing, and eating at such and such a particular time. When I repeatedly urge that things are prohibited or commanded by the law of nature that either obstruct or advance the end God intended in the governing of the world, I am speaking of such advantage or disadvantage as something of considerable influence confers upon the attainment or distancing of the end. For as to things that either cause some most trifling harm, which in relation to the end is hardly, or not at all, considered worthy of the name, or that are less beneficial yet do not place an obstacle in the way to the attainment of the end, their practice is not for that reason a sin.

Hence, we first infer that it is not always just according to natural law to repeal civil laws that, although they were beneficial when first promulgated, now, because of a change in circumstances, no longer seem to exhibit such usefulness. For although it is the duty of a magistrate not to deprive the citizens of their natural liberty beyond necessity (and what is more, all laws *are iniquitous*)<sup>30</sup> that heedlessly infringe upon the natural liberty of the citizens to no purpose), this should nevertheless only be understood of such an infringement as causes the citizen a considerable loss.

By the same right, many things are allowed to the individual that are, indeed, not only unadvantageous, but even seem to occasion some slight disadvantage: for example, indulging in a slight excess of food and drink so as to upset the most perfect state of health; spending more money than is absolutely necessary so that the affairs of one's family are very slightly worsened; indulging in sleep and leisure to the extent that the condition of one's wife and children is made a little poorer; wearing clothes and garments that slightly hinder walking or making a journey, and similar things to these. And the reasons for this opinion seem to me to be obvious, for so slight a disadvantage in relation to the attainment of the end is

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<sup>30</sup> Replaced in 1680 by: 'are wrongly drawn up'

hardly worthy of the name. Who, I pray, would say that a man has sinned when, in the space of fifty years in which he took part in human affairs, he has allowed one hour to pass fruitlessly in which he could have advanced scholarship or increased the comforts of his household?

Moreover, I have thought it necessary to depart somewhat from the proposition of some which teaches that such actions, though indifferent  
 22 in general, are nevertheless always to be placed in the class of virtues or vices when considered according to the circumstances in which they occur. This seems to me to be foreign to the truth, since circumstances can easily be invented such as to leave unchanged the original nature of the action, according to the reasons given above. Nor can I subscribe to the opinion of those who teach that whatever places the slightest impediment in the way of a man should not be undertaken except through necessity or for the avoidance of a greater disadvantage, since such a slight loss should not be counted among the evil things, but among those that are less good.

I am not unaware, of course, that the less beneficial, with respect to the more advantageous, is called a harmful thing by those who disagree with me on this point, with the consequence that what advances us less towards the end should not be done when it is in our judgement and  
 23 power to pursue what leads a man to that end along a shorter path.\* It is absolutely untrue, however, that what advances the end less stands firmly in the way of the attainment of the end, in which, I taught above, consists the nature of moral vice. Who shall believe a man to be sinning against the law of charity if he does not hold all men in the same degree of friendship, but makes a selection of friends whom he wishes to receive the fruits of his benevolence, although he does not hate the rest, but bestows common charity upon them? If, indeed, he were to love everyone with the greatest intensity, the end would without doubt be advanced in great measure. In the present case, it is not so advanced, and yet neither is it impeded, just as a slower motion does not cause a ship to stand still even though a faster motion would bring it more quickly into port.

For my part, I know that I shall gain few supporters here, and yet many  
 24 will pardon me for it. I willingly admit that I cannot rise to that harsh and austere wisdom in which one cannot even stretch out a hand or lift up a foot without the most careful thought, and where the stuff of virtue and vice is discovered everywhere.†

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\* Presumably a reference to the followers of the 'Nadere Reformatie' (see Introduction, p. 8 above).

† Cf. Cicero, *De officiis*, I, 35.

What I deduce from the above, moreover, is that some great good can be left undone without sin, provided that what we do in place of the greater good has a causal relationship with regard to the attainment of the end. And from this arises the substance of vows and of such works as, although God does not demand them from us under threat of punishment, are nevertheless most pleasing to Him and are done according to His gracious purpose. And this is the path for investigating what things are pleasing to God as actions conforming to the law of nature, and what things God wishes to be done according to precept and law.

*How charitable works are subservient to natural law*

- 25 The latter works ought not to be confused with charitable works, which are opposed to directive justice, there being a great difference between the nature of the former and that of the latter. For acts of charity are commanded by the law of nature. Who does not see that the life of men would be wretched and miserable if it were only necessary for men to do what justice strictly speaking commands? Never can a man provide for himself and his own by contracts in such a way as to avoid the greatest disadvantages were he to do without the deeds his neighbour performs for him from a charitable impulse.

- Charitable works, however, are not such as a man performs without any obligation whatsoever, but such as he does not exhibit through the force of explicit or implicit contracts, and which justice in the strict sense does not 967  
26 such a law require of him, even though he is obliged by the law of nature to do them, no less than he is bound by the same law to unspoken or explicit agreements without the establishing of which no one could lead his life agreeably.

Hence it is clear that even though acts of charity, so far as concerns their origin and foundation, spring from the same fountain of necessity as pacts and covenants (in as much as no human societies can do without them), they nevertheless differ greatly in their use and implementation. For what I owe to my neighbour through contracts and covenants is owed to him according to the right that he has over me and that he acquired through the voluntary transfer of my right, which finds no place in acts of charity.

Secondly, in contracts and covenants with a neighbour, whatever was done by me was done not so much for the sake of my neighbour as

27 for my own benefit, while the contrary is the case in charitable works. For even though the performance of charitable works is necessary in general in order for men to lead their lives in comfort and with ease, and therefore it also redounds to the interests and advantage of the man who is performing the charitable works, he nevertheless does not perform this or that particular act of charity for his own sake, but for the sake of him whom the kindness benefits. For as soon as personal gain is sought from a kindness, the kindness immediately forsakes both its name and its nature. If certain persons had well understood these distinctions, they would not have unthinkingly mocked our principles which derive the origin of friendship and charity from need.

28 Whatever moral laws are of such a nature that neither in general nor in particular do they have a necessary connection with the general design intended by God are said to be of divine positive law. I am speaking, however, of the general design that becomes known to all creatures through the creation of the world, not of the particular end which God was able to propose to Himself in the State of the Israelites. And by this rule we should distinguish the positive laws of God given to the Israelites from those which are of natural law and still retain their force of obligation.\*

Since, however, it has so often been necessary in the above to mention the purpose intended by God in the creation of the world, and which can become known to individuals if they do not darken their minds through vice and neglect, the occasion now urgently demands that I show what that end is, so that I may proceed to other things that I shall not be able to treat methodically unless what must be said about the end is given  
29 beforehand. I thus proceed in the following manner.

God intended, and He wishes man to pursue, whatever from the creation of the world and the order established in it man judges he must of necessity do or leave undone if there is not to appear some great discrepancy between the action he performs and that to which the order of the world directs him. For since the world has been disposed according to wisdom and man has been assigned parts to play in this universe, the order

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\* The question of whether the laws of the Old Testament were still binding was much discussed in the seventeenth-century Netherlands. Supporters of the 'Nadere Reformatie' (see Introduction, p. 8) contended that they were, while the federalist Johannes Cocceius and more liberal theologians such as Abraham Heidanus believed that they had lapsed. In the 1650s, this disagreement resulted in a heated public debate on the question of observing the Sabbath; see H.B. Visser, *De geschiedenis van den sabbatsstrijd onder de gereformeerden in de zeventiende eeuw* (Utrecht, 1939).



must necessarily indicate to every man his duty in what must be done. For, to use a common simile, if someone builds a house according to a determined plan, he undoubtedly does it to the end that it should be of service to men against the harmful effects of the air and the other inconveniences that beset a man from outside. If anyone, therefore, becomes so bold as to demolish the house, or does something to impede the function of the  
 30 house so that the owner appears to have worked in vain, he is certainly assumed to have acted against the wishes of the builder. In the same way, the order observed in the world can direct us in our actions and indicate what is the duty of every man.

Thus, since, for example, it is evident from our premises that there exists in the world such an order as has its origin from God and does not exist by chance, and that that highest order could not have been  
 968 conceived without the greatest intelligence, it is at once clear that it is the will of God that He be recognized by men as a wise God.<sup>31</sup> Then, since the creation indicates a great and infinite power, it follows that it is the duty of man to recognize God as omnipotent. And since it is evident that God will exercise justice at all times, God wishes the attribute of justice to be ascribed to Him.

31 It would be easy for me to deduce the whole of natural religion by this method, if such a digression were not entirely inappropriate to this work, but I believe it can escape nobody who has well understood the above how true and certain is this method of proceeding. For to what purpose would God wish to do all those things that generate such concepts in a man reasoning well, yet not wish such concepts to be formed about Himself? Indeed, by the same reason He would will something and not will it: He would will the means leading towards the end, and yet not will the end itself. Indeed, no, He would will the means that necessarily produce such an end but not will the end itself. Such things are diametrically opposed to a being operating through reason who has made known that He has assigned man his share in the government of the world and not granted him the right to lead his life according to his own desire.

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<sup>31</sup> Inserted in 1680: 'But, seeing that I experience within myself such a strong desire to preserve myself that it could not have arisen from me, and yet is so deeply engrafted and ingrained, so to speak, in my blood and in my bones, that it cannot be expelled or plucked out by me, I rightly conclude therefrom that such an instinct comes from God and that I do right if I submit to it.'

32 Either this is the only way to arrive at a knowledge of the divine will with respect to what He requires to be done by us,<sup>32</sup> or none is. I am speaking, however, of the knowledge that is investigated by means of the thread of reason, and not that which rests upon instinct and natural inclination, which is not, indeed, to be excluded and has its own important role to perform in moral science. (We should nevertheless not take up as a principle what cannot be weighed in the scales of reason, as will be demonstrated at greater length in what follows. And thus, I believe, I have shown the way that leads us to a knowledge of natural religion, and the things that demonstrate its necessity.)<sup>33</sup>

To continue in my undertaking, however, and again considering myself as a part of the world, it is necessary that I have been brought forth not by chance, but by the design of a prudent and wise God, and therefore  
 33 I must examine what God requires me to do, which I shall investigate in the following manner. Without doubt, He requires to be preserved in me that which, were it removed, would make Him appear to have assigned certain parts and properties to me in vain, which cannot occur in a cause operating through reason. Above all,<sup>34</sup> I perceive that there is in me the utmost desire to keep myself safe and sound. To this desire are subordinated the appetites of eating, drinking and revenge, and the feelings of love and pain; in short, all the passions of the soul. And the fabric of the entire body with its subordinate arrangement of organs leads to the fulfilling of this desire, so that either all these things are wholly useless, or it must be admitted that it is God's will that I keep myself, and what was granted to me in the creation, safe and whole.

Under such preservation of life and limbs, however, we should not only  
 34 understand what preserves the soundness of life and limbs, but by the same reason we are also taught to shun what is contrary to their natural use or subverts the end to which the nature of life, limbs and the faculties belonging to man leads us, and this for the same reason as that by which we earlier proved the necessity of natural religion.

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<sup>32</sup> Inserted in 1680: 'after sin has placed us in a state in which must be sought the road to salvation and the means by which to protect ourselves from the pestilences that are now scattered everywhere on land and sea; this, I say, is the only way.'

<sup>33</sup> Replaced in 1680 by: 'Now, however, it cannot on its own uphold the value of the principle, since although the first notions teach me that virtue is beautiful and to be cultivated for its own sake, and not that its primary and essential nature is to be derived from profit, no benefit of virtue is demonstrated from that first consideration to a man made wretched through sin. Instead, that benefit must be deduced from the second consideration of virtue, and in this the discussion is now engaged.'

<sup>34</sup> Inserted in 1680: 'as I have already said.'

Nor is it an objection that man is prone to evil and is always ready to harm his neighbour, whence men's lives are made so very uncomfortable that it appears not to be God's will that men should lead as long a life as possible. For such inclinations to evil proceed from the perverse will of men that causes the natural inclinations to deviate from their natural end, which is good and profitable to man. For neither ambition, nor the desire for wealth, nor sexual pleasure, nor the lust for revenge, in short none of those natural inclinations that are commonly said to ring with evil, tend by their nature to the destruction of man, but are provided for the preservation of man, however much they may be wrongly used for evil ends through man's perverse will, which is sufficiently indicated by natural conscience. 969

Yet someone may insist that the weight of the preceding argument is not such as to prove that the necessity of self-preservation has been imposed on man unless some serious cause or reason is incumbent upon him, but that man has the right to preserve his life, if he wishes, and he will not be acting contrary to God's intentions if he continues to live and breathe for as long as possible. For there is a great difference between something being done by right and its being done necessarily. From the structure of my feet, I easily understand that I am acting rightly and legitimately if I walk. But it does not follow that, if the convenience of a carriage or a horse is at hand, I do wrong to make use of that convenience. Again, God endowed man with a sexual appetite, yet I do not make myself guilty of sin if I do not indulge in that desire. Nor, too, do women who do not suckle their own children, even if the structure and fabric of the breasts clearly show that these organs have been granted for that purpose, as much to the wives of great men, who more frequently relieve themselves of this burden, as to women of inferior fortune. 36

These examples brought forward in objection, however, do not square with the rules I proposed above. For, in the examples adduced, either the use of the limbs and faculties is only suspended, or, because of a greater benefit accruing to man from elsewhere, no use is ever made of those limbs and faculties. The rule proposed above, however, teaches that something is done contrary to natural decency, or that a man sins against himself, when either the limbs and faculties are entirely destroyed or something is done with them that is directly contrary to what God intends. Not<sup>35</sup> to use one's feet on a journey or a stroll is vastly different 37

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<sup>35</sup> Replaced in 1680 by: 'or, forgetting his dignity, a man does something that can draw him into contempt or hatred, through which hatred and contempt he deprives himself

from amputating one's feet, when their function is entirely and directly destroyed. And what is removed has its origin directly from God without the intervention of human will, and is of such a nature as to be representative of some perfection in man (which I add, for whatever is not such can be safely destroyed according to a man's wishes, since it conforms rather to established nature than to what makes a part of him)).<sup>36</sup> Similarly, one may temporarily interrupt the use of reason, as occurs in sleep, yet one may not completely destroy it, for the reasons stated above.

- 38 For the same reason, there is a great difference between not having intercourse with a woman and enjoying illicit sex. In the former, man is not using a gift of God granted to him to make use of, if he so wishes; in the latter, he is using that good thing contrary to its natural purpose. So, also, there is a great difference between walking or not walking and a respectable man marching along with an uncoordinated and unseemly gait.

*How the natural and legitimate use of everything may be known*

- I have partly indicated above how we may come to know what is the permitted and natural use of each thing, and I shall briefly summarize it as follows. When the discussion falls upon a part or faculty of man, everything must be preserved intact whose mutilation, dislocation or destruction would imply that God has given man certain parts to no purpose. If an enquiry is undertaken into the use of the faculties and parts, what leads us to the end to which the nature of life, limbs and the faculties 39 characteristic of man leads us is said to be natural. (That use)<sup>37</sup> is not only permitted, but is also necessary, which if omitted subverts the end or runs contrary to it. Further, it is a use contrary to nature if it distances us from the end, and it is not necessary if, when suspended or entirely omitted, it yet does nothing contrary to the natural end, of which kind is everything that has no necessary connection with the natural end. Therefore, the use of the feet, the breasts and the organs dedicated to procreation can be omitted without sin. For what end is subverted here? That, for example, 970

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of the support by means of which he can lead a more comfortable and secure life. Thus, the entire discussion of matters of shame can be referred back to the first basis of moral law, which is self-preservation. Besides, not'

<sup>36</sup> Deleted in 1680.

<sup>37</sup> Corrected in 1680.

of procreation, you will say. But it is not subverted, it is only that the act of procreation is not performed. And there is as much difference between not using something and subverting its natural use as there exists  
 40 a considerable gulf between not using certain parts of a building and either completely tearing down those same parts or putting them to a use contrary to that for which they were built by the owner of the house. But you will insist that one could at least infer from the construction of such parts that it was the will of the proprietor that a certain part of the building should not remain unused and unprofitable, and thus one could conclude that neither is it permitted to be forever celibate. Nor is it proper for ladies not to feed their children with their own milk, since God has furnished everyone's constitution with abundance, so that it is unjust to profit by the labour of others. By the same rule, however, it would follow that neither would it be proper for anyone to profit by the labour and efforts of others in doing something to which he himself is equal. The rich will be obliged to submit to the miserable labours that hired servants endure, and innumerable absurdities of this kind would follow if the preceding objection were to be considered legitimate. Therefore, that  
 41 use only is necessary which, if omitted, subverts the end for which the thing was designed, or runs contrary to it.

All sins of this kind are such that through them a man sins against himself and against his dignity, and they take away nothing from God or his neighbour that justice requires to be bestowed on them. (Mr Hobbes makes little mention of these sins, since they had little bearing upon the purpose he intended in his little book. I, however, shall supply what is needed so that the foundations on which rests the nature of sins may be clear to everybody. They can conveniently be divided into two classes:)<sup>38</sup> some of these sins are said to be (against nature strictly speaking, others against natural human decency, since they are not in keeping with the dignity of man and they intimate)<sup>39</sup> degrees of perfection, or a rank in the hierarchy of creatures, which God has raised us far above.

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<sup>38</sup> Replaced in 1680 by: 'These sins can conveniently be divided into two classes:'

<sup>39</sup> Replaced in 1680 by: 'against natural human decency, others against the dignity of man,\* since they are not in keeping with it and they intimate only'

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\* In this change from the 1651 edition, the categories of sin are redefined in accordance with those presented in Van Velthuysen, *Tractatus moralis de naturali pudore*, to accommodate the different views on marriage presented in nn. 43ff below.

*How sins said to be committed against  
nature may be rationally investigated*

- 42 Sins that in a particular respect are said to be committed against  
<nature><sup>40</sup> are judged to be sins for the reason that they involve a deviation from the end to which the appetite properly leads us, and which the mind is eager to pursue if left to its natural direction. For, in the first place, it can no more be doubted that the appetite for sexual pleasure was placed in man by nature than that God bestowed upon man the feelings of love, hope, anger, courage and constancy, and just as each single emotion has been assigned a particular object and end by God which man cannot alter without transgressing, so neither can he alter the object of the sexual appetite. Who among us does not see that this appetite cannot be
- 43 legitimately satisfied except in the enjoyment of a willing and compliant woman, no more than love except in union with the beloved object, nor anger unless in preventing a future harm by putting an end to what has just now inflicted some harm upon us when there is a justifiable fear that it may be inflicted a second time? Thus, if someone makes another use of the feeling of anger, he is presumed to be acting contrary to the nature of anger. Someone who, for example, is enraged by an inanimate object misses the purpose of anger, because the cause whereby a man ought with reason to be borne to vengeance is not to be found in an object devoid of animate life. Nor, too, can a multiplicity of ends be attributed to the emotions, nor uses that are either specifically or generically different, nor can one emotion claim for itself the object of another. Since the emotions are not aroused by reason, nor by the will of man, but the moral excellence of a wise man is only perfected in his being able to impose due measure upon them, it can only be the case that individual emotions possess
- 44 their own particular objects. For otherwise the natural motions of the soul 971 would be aroused in one and the same way by different objects, and kindness could as much arouse anger in a man's soul as injury, and a receding evil, withdrawing itself from us, would as much exhort us to an attitude of steadfastness, which is properly concerned with bearing an oppressing and assailing evil, as an evil such as I have just said is required in the object of steadfastness. And the reason for all these things is that in every affect of the mind, without exception, there is a fixed and determined motion of the internal spirits, closely imitating the motion of the spirits

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<sup>40</sup> Replaced in 1680 by: 'natural decency'

and humours that manifest themselves externally in the emotions, and one can observe as many different motions of the spirits as there are passions.\* Therefore, just as it is contrary to the nature of motion for a body to assume different directions of motion at the same time, so is it impossible for one and the same emotion to appropriate different objects to itself.

Let us return to the appetite for copulation, which manifests itself in every love strictly so called. It must of necessity be assigned a fixed object and its own end. But is not its object a woman with respect to a man and a man with respect to a woman, and the proximate end intended by nature the conceiving of children, just as the object of anger is injury and the end the prevention of loss and the avenging of harm done? And just as nobody can assign another object or end to anger without immediately deviating from nature's design, so neither can he do so to the appetite of sexual pleasure. Nor can copulation be condemned in men of advanced age, any more than can the desire for vengeance in a weak man who knew that his strength was not equal to preventing the evil. For he is still right to be angry, since he received an injury. Thus, even an old man fit for a coffin justly desires sexual intercourse when the object of that desire, namely a woman, is present. Even though he knows that he cannot achieve its end, he cannot therefore be prohibited from exercising his right, for the end has an accidental relationship to the exercising, just as victory to revenge. And just as anyone may be angry because of an injury received, even if, lacking confidence in his strength, he despairs of inflicting any actual harm on the enemy, so also may anyone enter marriage even if he despairs of producing children.<sup>41</sup>

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<sup>41</sup> Inserted in 1680: 'To this must be added that marriage possesses many other advantages, besides the procreation of children, which those joined in marriage can legitimately enjoy, among which can be placed pleasure itself, just as a moderate delight is not to be censured in the taking of food and drink, whose purpose in a state of sin is primarily the preservation of life. Nor is it clear that Adam in the state of innocence would not have been permitted to perform those natural functions with his pregnant wife, though it does not thence follow that pleasure itself is the end of the sexual appetite; no more, indeed, than that the pleasure derived from the taking of food serving to preserve life, which pleasure it is not necessary to neglect, can be said to be the end of the natural appetite for food and drink.'

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\* See Juan Luis Vives, *De anima et vita libri tres* (Basel, 1538), Book III; Juan Luis Vives, *The Passions of the Soul: The Third Book of de Anima et Vita*, ed. C. Noreña (Lewiston, N.Y., 1990). Vives, who popularized the term *affectus*, based his account largely on Galen, *The Best Doctor is also a Philosopher*, although he also drew on Aristotle and Christian sources.

If someone should say that sexual pleasure itself, in whatever way its enjoyment is acquired, is the end of that appetite, he is saying just the same as those who teach that the end of revenge and anger can be the joy  
 47 that someone takes from the revenge, even if no other benefit returns to the avenger from it, which I have refuted elsewhere.\* And, if we were to consider the nature of the emotions more closely, it would become clear that no pleasure that normally accompanies certain emotions can be their end or their object. For emotions are aroused in us by objects possessed of certain attributes and qualities; therefore, the operation of the emotions revolves around them and the emotions are aroused by them. But pleasure is an accident of those actions; it does not pertain to the object, and merely accompanies the operation. Nor is what must be produced in the object of the emotions by the emotions the true cause of why pleasure is present.

What I am saying concerning pleasure, however, only obtains in the emotions, which it is not in our power to arouse at will. In matters and  
 972 actions that we do of our own accord, whenever it pleases us, the reasoning is different, and often there will be a legitimate pleasure that does  
 48 acquire the nature of the primary object and end, for in such cases God has permitted man to establish the end and object of his actions. Thus, in a walk undertaken for the sake of pleasure, a man assigns pleasure as its end, and the object arousing the desire to walk is the pleasure itself, since that walk has no fixed object or end determined by nature. Nor does it have a fixed place in the order of nature according to God's design, as do the emotions and innumerable other matters to which man cannot assign objects and ends, or account them good or bad things according to his fancy, no more than he can treat robbery, murder or adultery as virtues. From these principles, I believe, must be hatched out the demonstrations  
 49 by which actions committed against ⟨nature⟩<sup>42</sup> are shown to be sins.

*Polygamy, concubinage, incest, and the uncovering  
 of the genitals are not contrary to natural law*

⟨To the sins in which man sins against himself I assign fornication in the strictest sense, where no regard is had either to producing children or to

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<sup>42</sup> Replaced in 1680 by: 'natural inclinations'

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\* I.e., [Van Velthuysen], *Specimen refutationis*, pp. 24–27.



bringing them up.\* If, however, some other intimacy exists between a man and a woman that, because of the terms they enter into, does not entail such disadvantages and natural indecencies and yet is commonly called fornication because of the absence of certain conditions that are present in marriage strictly so called, it cannot be proved by natural reason to be illegitimate.†

Nobody, therefore, can prove by sound reason drawn from nature that concubinage, polygamy, or divorce in the absence of adultery is a sin. Whatever reasons I have seen proffered hitherto infer that certain disadvantages arise unless there are present all the conditions that the Christian religion requires to be present in a marriage. But something that confers less benefit upon human society is not for that reason automatically a sin, as is clear from the above, and you will not easily persuade nations whose marriage contracts lack the conditions that Christians urge should be present that greater benefit will accrue to the state if they change over to Christian customs.

Much less will you prove by reason that marriages called incestuous by Christians are contracted in opposition to the dictate of natural law, or that covering the genital organs is prescribed by natural law. But since I am here asserting things that will seem to many to be unproven, I should like to strengthen my proposition with the support of certain arguments.

First, I say that since it is clear to me that a demonstration of sins against nature and natural decency cannot be undertaken from any other principle than that which I have laid down above, I may justly assert that such contracts of marriage and the exposure of those organs are not contrary to the appetite of sexual desire (whose nature it would be pointless to deduce at length now, having explained it above‡), since it will become apparent to anyone from the contemplation of that appetite that it implies no moral vice in the matters about which this dissertation is, for the present, concerned.

Secondly, since God arranged and allowed marriages to be contracted between persons whose close relatedness and consanguinity now prohibit them among Christians, it follows that such marriages were not forbidden

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\* I.e., whoring.

† Interestingly, this position formed the basis of article 183 banned in the Paris condemnation of 1277: 'That simple fornication, as between an unmarried man and an unmarried woman, is not a sin.' (See D. Piché (ed.), *La condamnation parisienne de 1277* (Paris, 1999), p. 134); on the nature of the condemnation, see Malcolm de Mowbray, '1277 and all that: students and disputations', *Traditio*, 57 (2002) 217–238.

‡ I.e., in the previous section.

52 by natural law, since God can never dispense with natural law. Since, however, this is generally denied by theologians, I shall endeavour to provide proof by the following demonstration.)<sup>43</sup>

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<sup>43</sup> Replaced in 1680 by: 'To the sins in which man sins against himself and against his dignity I assign fornication in the strictest sense, whose essential nature consists in its being committed with a free woman outside the bonds of marriage, since both the man and the woman sin against their dignity in what is a vile and abject sexual act when it does not grace a marriage. To the same class must be referred divorce and polygamy, in which there is sinning not so much against the sense of shame as against natural dignity, and the baseness of which sins can be demonstrated from the first laws of nature and the first condition of man before sin, the proof of which I undertake to deliver elsewhere.\* But the sins of incest must be placed in another category of sins, for they are such as are committed against the natural sense of shame properly so called and whose nature you will in vain seek in, or deduce from, those laws of the first nature according to the rule of which uncorrupted man necessarily had to lead his life. For in that state, a sense of shame did not yet obtain. Rather, the nature of those sins must be derived from the second laws of nature that have their foundation in the wretched state into which man threw himself headlong by sinning. And just as I have explained above how poorly they reason who derive natural laws established against harm and for the warding off of evil from the uncorrupted state of man,† so they in turn go no less astray who from the uncorrupted state of man derive the origin of natural laws that govern man's sense of shame properly speaking. Thus, the nature of incest is such as is the uncovering of the private parts, which was not shameful or disgraceful to man until after he had sinned.

I know, of course, that some people think otherwise,‡ that the nature of all the things enumerated above is such as cannot be proved from natural laws and right reason concerning their viciousness and baseness, but that they only obtain their viciousness from external additions and influences, in so far as we live in the society of men of such a nature that, because they are of more cultivated and refined manners, you greatly offend them when you commit wrongs that are detested by them on account of their polite and refined manners, and by so procuring contempt and hatred for oneself one is cheated out of many of the comforts of life. Nor do they believe that there is any other crime in such deeds, or the violation of any natural law, so that all vice is absent from those deeds when we live our life in a society of men that has not elevated itself to such polite manners. But since this question is extremely common and much discussed, and to be found in the mouth and words of almost every man, I consider it worthwhile to review the arguments that can be advanced on the side of that erroneous opinion and to append thereafter an answer to them, so that from a comparison between the arguments the truth may shine out. Because, they say, God arranged and allowed marriages to be contracted between persons whose close relatedness and consanguinity now prohibit these among Christians, it follows that such marriages were not forbidden by natural law, since God can never dispense with natural law. But since this is generally denied by theologians, they endeavour to provide proof by the following demonstration.'

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\* Possibly a reference to Van Velthuysen, *Tractatus moralis de naturali pudore*, but his use of the future tense here suggests another, unwritten treatise.

† See n. 27, p. 69 above.

‡ Van Velthuysen here rejects his former opinion, placing what he had said in the 1651 edition in the mouths of his 'adversaries' and finally refuting it in n. 71, p. 101 below.

God must of necessity account natural laws as just once there has been ordained and established an order in this universe such as anyone can see now exists, and He cannot fail to recognize as unjust or indecent whatever deviates from them. The reason for this is that all things that we can imagine through the faculty of thought always possess a certain condition and relation born of the intrinsic nature of the thing, which cannot be separated from the thing if one does not wish to deny oneself the use of reason. Thus, for example, the voluntary donation of something cannot fail to acquire the name of kindness. The kindness, moreover, cannot fail to be recognized as such by a man using his reason and, when it has been  
 53 so recognized, that man cannot fail to acknowledge himself obliged to the donor for the kindness received and confess that it is his duty to express his gratitude.

Therefore, God cannot cause ingratitude not to be a moral vice, and in consequence the command to gratitude will be one of natural law, and indeed of divine law. In fact, one should not distinguish between these two laws, given the present nature and order of the universe⟨, for the reasons I proposed above when dealing with the manner of investigating the things that God requires us to do\*⟩.<sup>44</sup> What I have said here concerning gratitude is extended to the remaining natural laws in the same way. There can therefore be no dispensation from natural laws, so that marriages now regarded as incestuous are such by the force of another law.

54 ⟨Thirdly,⟩<sup>45</sup> if exposing the genital organs were a sin against natural law, in the first place it would follow that it would be a sin in children, and their parents would have to take the same care that those parts of their children do not lie open to view as we take as adults to cover up the parts that have an unsightly appearance.† Indeed, no case or necessity could ever arise in which revealing those members could avoid being labeled a sin. For natural laws are of perpetual obligation: one must never steal, never fornicate, never disparage. If, according to circumstances, something at some time becomes permissible that formerly lacked that condition, for example amputating a part of one's body so that the sound part is not infected by sickness, it should not be reckoned that this resulted from

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<sup>44</sup> Deleted in 1680.

<sup>45</sup> Replaced in 1680 by: 'Furthermore,'

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\* See p. 71 above.

† Cf. Cicero, *De officiis*, I, 35.

55 a changeable natural law, because it was never prohibited to mutilate oneself so as thus to bring health to the entire body, and it has always been provided for by natural law that no one may do violence to his own body except upon a similar necessity.\*

Finally, let my opponents give me one reason by which to prove that it is contrary to the condition of a man or a woman to enter such a (marriage contract as)<sup>46</sup> does not last for ever and (as they are accustomed to say) does not bind in an unbreakable partnership for life, and to demonstrate that a man is not free to join several wives to himself, and so on. If in anything here about which there is disagreement they can demonstrate even the semblance of a moral contradiction,<sup>47</sup> no one in future shall have me as an opponent.†

They frequently urge the common consensus of nations, but the consensus of nations seems (to me)<sup>48</sup> in many respects to be neither a firm enough principle, nor a distinguishing mark of moral good and evil.‡  
56 There was once a time when slavery was the practice of nations everywhere, as well as sacrifices of living men. Today, among all nations, the man is the master of the woman; let them prove that a marriage contract under the opposite conditions is contrary to natural equity and cannot be entered into.

*One should not abide by the consensus of more  
civilized nations in controversies of equity and justice*

I should like, however, (to give a more detailed refutation of that false principle:)<sup>49</sup> if natural law becomes known to us from the consensus of more civilized nations, who, pray, will decide which are those more civilized nations?\*\*\* The Papists, who make up not the least part of the globe, teach

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<sup>46</sup> Corrected in 1680.

<sup>47</sup> Inserted in 1680: 'of which I have already given an example above when I was dealing with gratitude.'

<sup>48</sup> Deleted in 1680.

<sup>49</sup> Replaced in 1680 by: 'to examine this more closely.'

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\* Cf. the discussion in [Van Velthuysen], *Specimen refutationis*, pp. 64–69.

† In the context of the 1680 edition, this entire paragraph appears inconsistent.

‡ Van Velthuysen here begins his attack on the classical and mediaeval foundations of natural law theory. For the kinds of argument used in the following, cf. Sextus Empiricus, *Outlines of Pyrrhonism*, I, 148 and III, 197–233.

\*\*\* Cf. Hobbes, *De cive*, II, 1.

that many sins that we call incest are not committed against natural law. 974  
 And, if you examine the opinion each people had on certain sins, you will find that what for many, including the more civilized, was only a laughable offence was for others a capital one, and for which today one must burn alive. I am speaking of buggery and sins that have an affinity with it.

57 Then, I wish to know to what customs we shall look. To those with which the people deliberating on the punishments agrees? But then its own customs will be sufficient for each people. To those in which it differs from the others? But neither is this possible, for if in some decisions they are in agreement with these nations but in a few are at variance, why should they accept the customs of others as decent when there is doubt about their respectability? (If)<sup>50</sup> closer examination is required, then so is another principle upon which to base the investigation.

Finally, if you draw up a proper account, you will discover that the Romans are held by all to be a more civilized nation, and in most things their customs are imitated. But there are also peoples that have banished Roman laws from their states and do not permit law and equity to be proclaimed on the basis of their prescriptions. And when the Romans  
 58 fashioned their own laws, they did not consult the constitutions of other countries, but sound reason. Neither did they entrust such affairs to the common multitude, but to the more learned and prudent, who certainly cannot be called more civilized nations. Thus, it appears that the consensus of more civilized nations is limited to a few legislators. And what did those legislators have to guide them in ascertaining the equity and justice of individual acts? Was it not reason? By what yardstick, however, did reason direct itself? Some first principle, you may say. But from where did reason acquire that principle? It was not from Holy Scripture, for we excluded such a principle at the beginning of this treatise.<sup>51</sup> It was not from the consensus of more civilized nations, nor from the dictates of the conscience of the legislator. For how can the mental impulse of a few men be  
 59 a yardstick in this difficult matter? Thus,<sup>52</sup> let those who so persistently urge the consensus of civilized nations see what a feeble argument they lean upon.

Yet someone may ask how it is that all those things that I have so far proved not to be contrary to natural law are nevertheless shunned by

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<sup>50</sup> Corrected in 1680.

<sup>51</sup> Inserted in 1680: 'and therefore one can provide no assistance from this principle in the question before us'

<sup>52</sup> Inserted in 1680: 'they say,'

almost all nations and are banished from their countries as if by common consensus, when in other, indifferent, matters there has always been found such a diversity of customs. But why has poverty been held to be vile and abject among almost all nations? Why do soiled clothes excite a sense of shame in a man of upright character who has been born into a good station in life? Why are we suffused with blushes if someone convicts us of error, even though it did not imply that anyone was guilty of sin? Why do brothers and sisters who have just reached adulthood not enjoy each other's company when they are either receiving or bestowing the compliments of lovers? Why do brothers generally speak less among themselves about sexual matters than discussion falls upon the same subject with others? Why does almost everyone value beauty more than ugliness? It would be easy for me to recount an infinity of such things, to all of which, if the contrary be done, it is not a sin. Let nobody think that everything that excites a sense of shame is a sin and prohibited by natural law. Rather, the reason why we generally embrace some of these things and avoid certain others is because they imply some weakness and imperfection from which everyone desires to be as free as possible. And, with advancing years, the intellect reveals the same natural judgement in these matters as in an infinite number of others, and things that we do not condemn in our infancy, because of a lack of judgement or certain other qualities, in adolescence and early adulthood begin to be hateful to us.

Moreover, God desired some of these imperfections to be either absent in a Christian man or at least hidden, whether from the eyes of all or of certain specific persons in the sight of whom it was not decent to display such imperfections. Other things, however, He left to man's judgement, but in such a way that a man who hides and shuns those things more will seem to lead a more refined way of life and possess more orderly manners. Yet if anyone should not rise to this civility of manners, he is still free from sin. And therefore God has prohibited incestuous marriages by His law, but He does allow that close union of life to those who are distant by several degrees, for there is less shame in the latter than in the former. And this was the reason why God prohibited sexual union with a menstruating woman (which almost everyone now considers to be lawful),\* for in the course of menstrual flow (a fresh sense of shame lies upon the woman),<sup>53</sup>

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<sup>53</sup> Replaced in 1680 by: 'a new accession of shame falls upon the woman.'

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\* See Leviticus 15:19–30.

and therefore God wishes her to be treated respectfully by her husband. Nor do I see any reason why exposing any part of the body should not be permissible when considered in itself, (both on account of the reasons given above and)<sup>54</sup> because it is not in itself a sin, nor does there exist any precept of God in the Gospels that orders the covering of those parts of the body).<sup>55</sup>

But, you may say, if it is not contrary to natural law to uncover the genital organs, is it not therefore permissible for anyone to expose them to the sight of men? Yes, certainly, provided that in the exposure there is nothing that is contrary to (the natural sense of decency).<sup>56</sup> You will insist that it can never happen that such things do not offend against the natural sense of decency, but this seems to (me)<sup>57</sup> to be far removed from the truth, 63 which (I proceed)<sup>58</sup> to demonstrate as follows.

Those things are done contrary to the natural sense of decency that are committed against the natural sense of shame. A natural sense of shame is when someone feels justly ashamed of his imperfections. He feels justly ashamed since he possesses such imperfections, or makes known those he possesses in such a way, that his neighbour can therefore rightly have a lesser opinion of him. And his neighbour does this justly whenever he observes in him, or sees sticking out, imperfections that are below the dignity of the person in whom they reside. Such imperfections, moreover, naturally draw a man into contempt, because his neighbour sees a discrepancy between that imperfection and the character he sustains. And the discrepancy appears to his neighbour because there exists no reciprocal connection or consistent relationship between the position that he holds among his fellows, or ought to hold, or at least was believed to hold, 64 and those qualities in respect of which a definite station in life is assigned to citizens.\* Which qualities, however, and in what degree they should be present in each person, are determined by the usage, custom and character of the people.

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<sup>54</sup> Replaced in 1680 by: 'on account of the reasons given above and'

<sup>55</sup> Deleted in 1680.

<sup>56</sup> Replaced in 1680 by: 'natural decency.'

<sup>57</sup> Replaced in 1680 by: 'those who exert themselves on behalf of that opinion'

<sup>58</sup> Replaced in 1680 by: 'they proceed'

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\* This sentence is rather convoluted but, as becomes apparent from what follows, the gist is that certain attributes are deemed appropriate to men of a certain condition, and it is the absence of such attributes that draws a man into contempt.

A man who is famous amongst the ignorant for his teaching and erudition could not maintain the same level of dignity among the learned. One who dwells in ignorance of many things, having never received an education, is without contempt reckoned among the number of the unlearned. But one who has devoted himself for a long time to learning something and has made no progress is certainly not without disgrace if he lacks knowledge of many things. A man who is brought up among more civilized fellow citizens is not without vice if he possesses coarse manners, which may yet be present in a country man, or one who is leading his life  
 65 amongst a less well-mannered people, without any indecency. He who uncovers those parts of the body that the custom of the nation requires to be hidden sins against the natural sense of decency if he should cause them to lie open to view, yet living in other parts of the world where that custom does not obtain it is considered that these parts may be uncovered without sin or sign of impudence. Similarly, a man falls into the same vice if, when forced to discharge the requirements of nature, he does not seek the freedom of solitude; yet he is free from this vice if necessity stands in the way. For the same reason, a man sins against decency who, in the company of strangers, relieves himself of the obligations of decency without first asking leave, which by the right of close friendship friends can, and are accustomed to, pardon in each another. And it is for this reason  
 66 that someone who is teaching anatomy to students clearly explains all the things that, for the same man placed outside such a situation, it would not be proper to name. It is also the same reason why men permit themselves more in matters where there is occasion for unseemliness than we allow to women. (I say)<sup>59</sup> the same concerning exposing the genitals, and (I say)<sup>60</sup> that it differs from the rest only in degree, for (I recognize)<sup>61</sup> that such a people (as does not consider it a vice to have one's genitals uncovered has greatly degenerated from modest manners, and that the ancestors of such peoples gravely sinned in arriving at such a degree of shamelessness.\* After)<sup>62</sup> the custom has prevailed, however, so that according to the 976

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<sup>59</sup> Replaced in 1680 by: 'They say'

<sup>60</sup> Deleted in 1680.

<sup>61</sup> Replaced in 1680 by: 'they recognize'

<sup>62</sup> Replaced in 1680 by: 'has insufficiently refined and ennobled its way of life. Where'

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\* Considerable interest had been aroused by the discovery of peoples in the New World who went about naked without any apparent shame. See, e.g., Michel de Montaigne, *Essais*, I, 35.



common sentiment of the people the mark of disgrace has been removed from such a way of living, (I believe)<sup>63</sup> that the entire nation may uncover its genitals without the stain of sin, since they recognize no imperfection or weakness in this matter fit to make a man blush, any more than we do  
 67 in women appearing in public with their faces uncovered, which among other nations is nevertheless regarded as a vice in the woman.\*

(But you will insist)<sup>64</sup> that even though those nations recognize no disgrace in such an exposure of organs, because they believe there to be in it no imperfection that, when it sticks out into the open, so to speak, ought to inspire a just sense of shame in us, there nevertheless remains something in that exposure which, were they to examine it properly, would bear on the sense of shame of those peoples to withdraw it from the eyes of their neighbour. (That, however,)<sup>65</sup> is not consistent with the truth. For since it is evident that such organs are frequently uncovered without sin—for example, when they are entrusted to a healing hand, or when necessity so presses that there is not allowed sufficient time or opportunity to hide them, or when nurses wrap up infants in swaddling  
 68 clothes and expose their nudity to the eyes of onlookers without any offence of shamelessness—since, I say, such things are done without sin, it must be asked why men generally judge this to be the case.

In the first two cases, you will say, there is necessity. But a question of the first order remains as to why in such a case necessity absolves one from sin. Without doubt, because the note of shamelessness ceases to be present. It ceases to be present, moreover, because in such a case the infirmity of the man lies open to view without any ostentation or wantonness, and men generally judge whether these are absent from the circumstances, which it would be tedious to recount for individual cases. But where is the wantonness or immodest parading of his imperfections if someone allows those parts to fall into view among men who do not make it a matter of modesty or immodesty? And those nations among whom a custom contrary to that of Europeans obtains do not consider the stuff  
 69 of immodesty to lie in the uncovering of the genitals, because it is not a sign of weakness or imperfection of which a man should feel ashamed.

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<sup>63</sup> Replaced in 1680 by: 'they believe'

<sup>64</sup> Replaced in 1680 by: 'If you insist'

<sup>65</sup> Replaced in 1680 by: 'They reply, however, that that'

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\* I.e., in moslem nations.

What ought to be considered a perfection so requisite in a man that, if it is absent, he should acknowledge the imperfection and be conscious of his own unhappy fate depends entirely upon the usage and custom of nations, which was proved above by induction. And<sup>66</sup> let no one indicate to me a different line of reasoning in such exposure of the genitals.

Then, if it were an offence in those barbarous nations, it ought to be evident to them that they are sinning against some law. Let someone show me, however, how those nations might arrive at a knowledge of that law. By natural instinct, you may say, and by contemplating the manners of other more civilized nations. But I have shown elsewhere  
 70 the manners of other nations.\* Then again, such nations would at least deserve forgiveness from God if the customs of other nations had not become known to them, and the opportunity to become acquainted with them had never been created.

They are no more likely to find a source of assistance in natural instinct. For, first, it does not follow that we must do whatever we are drawn towards by natural inclination. Many, indeed almost all, young men who enjoy a perfect state of health possess a sexual desire, yet they are not all obliged to yield to that desire. The love of self-preservation is innate in each and every man, yet it is sometimes highly commendable to resist that inclination, and to effect something contrary to it. Many possess an awkward sense of shame which the teachers of manners endeavour to strip away from the minds of those of whom they undertake the charge.†  
 71 There is one kind of shame that is praiseworthy, but which no one should  
 977 be blamed for lacking—the first case being a sign of a more perfect disposition, the second, indeed, of a less perfect disposition, but not a wicked one—and there is another, necessary kind of shame, the absence of which is always a fault.

The passion of shame generally impels someone to do the things that are in accordance with that passion, and restrains him from committing anything contrary to it. Therefore, that instinct does not distinguish good from evil. Yet, you may say, it appears that something is being done

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<sup>66</sup> Inserted in 1680: ‘, they say,’

\* See p. 88 above.

† Presumably a reference to Plutarch, *De vitiosa verecundia*, Erasmo Roterodamo interprete (Basel, 1526).

according to an imperative law of nature when all reasoning beings, with few exceptions, come together with one mind, as happens in covering the genitals. But what is there to wonder at, when every nation values dignity and modesty, and when amongst them the things that are contrary to dignity do not escape contempt? For the former virtues indicate a man  
 72 living according to his reason and tempering all things with prudence, and prudence is held in esteem amongst all peoples, because through it we acquire good things and avoid the bad. The latter, however, the opposites of modesty and dignity, indicate a fickle, inconsistent man of rash judgement, and one who is the cause of many evils to himself. What, however, seems more unbecoming to a dignified man than what is done in the embraces of a lover? And therefore the Poet rightly sang:

'Tis unseemly for the old man to soldier, unseemly for the old man to love.\*

⟨It is now also clear to anyone why sins said to be committed against the natural sense of decency are bad,⟩<sup>67</sup> because they are committed in opposition to the first and fundamental law, namely the preservation of one's self. For nobody can be ignorant of how important it is to a man's well-being to remove himself from contempt, but one who conducts himself in a shameless manner cannot escape the contempt of his fellows.

*There exist no natural instincts or common notions in the  
 minds of men by which good is distinguished from evil*

73 But since my opponents do not stop urging their natural instincts, common notions and law inscribed in the heart, I should like to explain below what I think needs to be said about all of these matters. The soul, by the design of the Creator, is united with the body in such a way that it can experience through, and be affected by, it. Experience teaches this, and there is no need for a long chain of arguments here. The entire phenomenon, however, can be duly related to two things: pain and pleasure.

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<sup>67</sup> Replaced in 1680 by: 'Thus, if the sins with which the discussion has so far been involved are judged to be committed against natural law, that will not be because in the first place they clash with right reason, but because, self-preservation being the fundamental law, he sins against it who, neglectful of himself, heedlessly exposes himself to risks and hurls himself into danger. Thus, those actions will be bad'

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\* Ovid, *Amores*, I.g.iv. The translation is from Ovid, *Heroides. Amores*, Translated by Grant Showerman; revised by G.P. Goold. Loeb (London, 1914), p. 355.

The soul conceives pain whenever there occurs a motion of the spirits towards the mind such as is less agreeable to the nature of the union; pleasure as often as it perceives the motion that is suited to the union.\* The mind will thus be endowed with this disposition when it is united with the body, and this disposition is the one and only principle imparted to the mind from its creation.

74 The remaining principles or notions, whatever name you please to call them by, are acquired, and they have their seat in the mind by the very action of the mind. For when the mind senses a motion displeasing to itself, it endeavours to alter that motion or to drive it away from itself, and from this arise all the emotions that are involved in the removal of what is evil. When, instead, it senses a pleasant motion, and one that is agreeable to itself, it strives to preserve it, and it stirs up such a motion of the spirits as is adapted to continuing the original motion. And from this must be sought the origin of all the emotions involved in the attainment or preservation of agreeable and pleasant things. What kinds of motion of the spirits exist in particular emotions, however, has already been taught by very learned men, and with such skill and fine judgement that it is altogether senseless to hope to find out anything new after their laborious efforts.†

75 Thus, there are emotions present in a child still lying hidden in the womb, having arisen from the perception of things pleasant or unpleasant. Later, brought into the world, the child arrives through its own experience, through teaching or by example at a knowledge of many things that can produce pain or pleasure. And upon the perception of such things are aroused the emotions that have already been experienced in the womb, 978 or at least ones that are similar and have an affinity to them, since those to which the infant was not subjected before the exercise of reason are conflated with the emotions that affected the infant before the exercise of reason, and this will be obvious to anyone looking more closely at the nature of the affects. If, therefore, men seem more inclined to embrace some particular objects and to avoid others, that does not point towards some disposition of the soul imparted to them from the very beginning. Rather, it indicates either a disposition established through use, or a

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\* For what follows, cf. Vives, *De anima et vita*, Book III.

† Especially Vives, *De anima et vita*. René Descartes, *Les passions de l'âme*, also explains the emotions by means of motions of the spirits, but without using the medical language of humours and temperaments.

76 property of certain passions or the temperament, which does not permit a man to engage in things to which the nature or motion of the spirits renders him little suited, since the mind labours with difficulty when it has not met with suitable instruments for operating. Thus, pain is again the reason why we seem naturally to avoid some things and to embrace others.

It is, of course, quite true that a man cannot arbitrarily assign an object to the emotions, and so he cannot take pleasure from an injury considered straightforwardly, or suffer pain from a good he perceives, or be led to cheerful hope by a future evil. But all this depends upon that first disposition of the soul by which a disagreeable motion of the spirits cannot be pleasing to it, but an agreeable one ought always to fill it with pleasure. And therefore a man becomes sad over an object that he deems by  
 77 a certain natural propensity to be appropriate for sorrow. But there is no natural propensity of the soul for distinguishing towards what object in particular we ought to feel sorrow, since we shun many things as evil that are not evil. Then, suppose that reason has not gone astray in exploring the nature of things. It is not clear in spite of this that a man is not at liberty to embrace some evil without the stain of sin, since nobody doubts that a man may deprive himself of many good things, even without the hope of a greater reward, and yet not do this against the dictate of natural law.

Next, we acknowledge that from the property of his temperament man is rendered inclined to embrace some things and avoid others, to the extent that the property of his temperament renders him fit for certain actions to which, given the opportunity, he is drawn completely of his  
 78 own accord. Thus, around puberty, there appears that amorous and sexual passion by which we are led to love the things that can satisfy the desire of that passion. But that passion does not command by the law of nature that one yield to it, and in addition it does not precisely determine to whom we ought to devote ourselves. It is indeed such an emotion as requires gentle manners, and therefore hags and young women endowed with rough manners do not so easily entice young men into loving them, and the lovers of boys used to lose their heads over tender little things who had not yet fully reached puberty. Nevertheless, the law of that passion is not such that if anyone were to solicit the favours of a little old woman he would therefore appear to sin against the law of nature. And of whatever kind that passion and inclination may be, it appears always to rest upon the foundations of that disposition of the soul which, I have said, was alone present in the soul from its earliest origins.

79 Finally, I do not deny that man is greatly inclined to embrace certain teachings, for example that there is a God, that universal judgement must be awaited, that the soul is immortal, that contracts and promises must be adhered to, not to commit adultery, and others of the kind that we have been accustomed to call the dictates of natural law. But that propensity does not arise from certain common notions or from any disposition of the soul other than that which I have described. Rather, it exists in man entirely by the agency of that primary and uniquely original disposition. For the recognition of their inability to avoid certain evils and the fear arising from this recognition cause men to readily admit that there exists some deity of far greater power than us who can avert evils. And the inflicting of punishments and the distribution of rewards among men, being  
80 observed and considered to be a matter of the greatest necessity, force them to believe that after this life there will be some universal judgement, since some of the worst and most wicked individuals lead their lives with such ease. In short, the common and obvious misfortunes that follow from the violation of natural law teach everyone to live according to the dictate of natural law. However, if the soul had no knowledge, either by instruction or by experience, of any of these evils, most men would be ignorant of what was just or unjust, since it is given to very few to deduce the origin of justice and injustice from first principles, or to penetrate to a knowledge of the demonstrations that philosophers employ to prove the existence of God. 979

Men call axioms of this kind natural law, because the condition of  
81 man, whether you consider him as an individual person or as a part of society, is never such but that matters of this kind, which are commonly said to be done according to the prescription of natural law, daily present themselves in such a manner that he necessarily has to approve of them as right and just.

As in other matters, the wonderful power of custom certainly appears in this: that men judge what things are just and what unjust, but often can provide no good reason for this judgement. Indeed, the most learned frequently fail to furnish a reason for what the people does rightly out of habit. For example, if someone is discovered stealing, the entire populace exerts itself with heart and soul to apprehend the thief. If, however, someone roused by anger commits a murder, everyone desires his freedom, or  
82 at least no one willingly lends a hand in the affair. This happens for good reason, because there is more danger to someone from a robber who is intent on seizing anyone's possessions than from such a killer, who only raged against the man who had provoked him. Enquire of a common man

whence such different states of mind originate, and he will not know. Ask anyone steeped in the common science of philosophy, and he will say that it happens by natural instinct, but in my opinion wrongly, for the reasons given above.

*On original sin*

Someone may object that, in the very least, original sin is a disposition of the soul distinct from the former which I said is present from the earliest origin of the soul. But there are two ways of considering original sin. In the first, it is considered as a privation of the rectitude with which God adorned the soul of the first parent, and the nature of this privation is such that it does not deserve the name of any disposition, but constitutes  
 83 a mind deprived of some perfection, just as a lesser degree of heat or light is not a disposition or quality in a body that is said to possess lesser degrees of heat or light in comparison with another brighter or warmer body. There is, in addition, another way, in which original sin is considered as a certain deformed disposition of the soul. In this case, however, it has been acquired by repeated acts, yet in such a way that, because of a lack of justice or original rectitude, all men are rendered disposed to perform those repeated acts, which comes about in the following manner.

Before the exercise of reason, we are led only by present delights. Those delights, however, have their origin in an enjoyment of natural objects agreeable to the mind. And from that property of the union of the soul by which we wish things that produce a sad feeling to be far removed from  
 84 us, and those that create a pleasant sensation to be continuously present, we are later, with advancing years and through a discernment that grows with the years, naturally drawn to the things that can procure pleasure for the mind. We desire honours, we desire wealth, power, an abundance of things to eat and drink, since all these things can eminently satisfy that natural desire of the mind, namely that by which we wish pleasant things to be present but endeavour to keep unpleasant ones away.

Man begins, however, to have such a (relationship)<sup>68</sup> to God and his neighbour alike that he cannot yield to his former natural inclination, even that rendered stronger by use, without injury to his neighbour or to God. This is the origin of moral evil, and thus we are all more disposed

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<sup>68</sup> Corrected in 1680.

towards evil than towards good for the reason that the inclination to-  
 towards evil now includes the inclination towards objects that are of a most 980  
 agreeable nature in themselves but become harmful and evil according  
 85 to circumstances. For what is there to wonder at that an old and strong  
 habit, that repetition from our earliest childhood has fixed in the mind,  
 is stronger than some mild precepts that are only conceived as just and  
 beneficial through reason and cannot affect the mind unless it is infused  
 with heavenly grace, no more than the precepts of charity can affect a man  
 incensed with anger and preparing revenge? The habitual use of the good  
 things in which a man has indulged since childhood leads, or rather draws,  
 us with greater force, and the sight of those good things stirs up in us  
 such a powerful inclination to pursue them that the government of reason  
 ceases to be obeyed, just as when a man is disturbed by emotions. And,  
 to put the matter plainly, such a habit approaches the nature of emotions  
 86 extremely closely, and compels the will to agreement in the same way that  
 the emotions dissipate the reason of the man who experiences them.

If these matters are closely examined,<sup>69</sup> they supply an invincible argu-  
 ment for upholding (the truth of my principles.)<sup>70</sup> For all the inclinations  
 that are commonly called natural, and which seem to be so much opposed  
 to virtue and consequently to the law of self-preservation, these, I say, con-  
 sidered in themselves, are good, just and equitable, and of the greatest  
 service to man in leading a happy life, even though through circumstance  
 they often become vicious.

What is more useful to man than the desire for revenge, even though it  
 further entangles a man in the necessity of sinning? This is because, con-  
 sidered in itself, it is most necessary and beneficial to man. Yet, because  
 we often cannot impose the proper restraint on it, it has been arranged for  
 the benefit of human society that the carrying out of revenge should be  
 87 entrusted to arbitrators and judges who are distanced from the eagerness  
 of the parties. And the desire for revenge is no more worthy of condemna-  
 tion in a private person than punitive justice in a magistrate.

For the same reason, no prayer is more fitting to an impious man  
 who lacks confidence in divine grace than one in which he wishes that

<sup>69</sup> Inserted in 1680: 'they say,'

<sup>70</sup> Replaced in 1680 by: 'the truth that it was my intention to affirm at the beginning of this dissertation, namely, that the origin of moral laws must be sought from the fundamen-  
 tal law which is the preservation of one's self, not in so far as the essential nature of virtue  
 is contained in that fundamental law, but in so far as from it is demonstrated the necessity  
 of exercising, and the benefit of obeying, the laws of nature.'



a judging God did not exist, even though that prayer is already iniquitous, being offensive to God, and is disastrous for the man who is praying, since it is to no purpose and increases his guilt. Thus, what provides more evidence of the malignity of a corrupt nature than the perversity with which we strive after what is forbidden? Yet what inclination is more suited to the nature of man and his preservation? What squares more with reason and justice if you consider man in himself? For he strives by means of that noble, native quality through which everyone aspires to freedom, which everyone pursues primarily because whatever is done voluntarily  
 88 by us is always pleasant and agreeable. This seems to me to be the most powerful argument by which one may prove that nothing unpleasant happens to God, since He does everything from the gracious purpose of His will, He is the author of all His actions, and nothing whatsoever is done to Him. If a man could raise himself up to that perfection, he could vie with God as regards happiness, which the Stoics ineptly endeavoured to achieve by striving to place the soul outside the commerce of the body, by which happiness merely suffers since it is only to be found in the benevolent affection of God through which He is prepared to avert all evils from the pious.\*

Secondly, we are all led by a desire for liberty for the reason that the more freedom a man has, the more available to him are all the things of assistance to life, and therefore we endeavour to stand above the rest so that the efforts of others can be of benefit to us. I could go through each  
 89 single matter in this way, but what I have drawn out into the open is such that it cannot long detain the judgement of a well-disposed reader.<sup>71</sup>

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<sup>71</sup> Inserted in 1680: 'I have set out these arguments of my opponents in a confused manner, even mixing in some that belong to an unrelated genus, and not making a greater selection by which, through conciseness, I might make them visible at a glance and then, by reducing them to their categories, the reasoning of this entire discussion might appear more straightforward to the reader. I shall therefore briefly set down what should be noted in the long discourse of my opponents, at the same time pointing a finger to indicate which direction should be pursued in order to weaken the force of their arguments. From the preceding, it is evident that one must distinguish between sins that are committed against the dignity of man and those which are opposed to his sense of shame and offend it. Fornication, polygamy, divorce, inebriation, rash and imprudent judgement, even in the most trifling matters of no account, the feigning and shamming of stupidity, incongruous and unbalanced deportment in standing and walking, and gestures that we desire to be absent from a steadfast, dignified, respectable and moderate man—these are opposed to the natural dignity of man. For man has been endowed with a rational soul and, conducting himself in the character of a rational creature, it as little becomes him to lay aside that

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\* Cf. Augustine, *De civitate Dei*, XIV, 9.

character as it becomes a king, for example, to dance in the market-place in broad daylight before a large audience. And it can no more be denied that man acquires a certain degree of dignity through the possession of a rational nature than that man is superior in excellence to a brute animal. That dignity, therefore, being present in man through a property of his own nature, does not depend upon the manners, decrees, plebiscites, or freely assumed custom of peoples. Some of these dignities, however, are closely connected with human nature and, as it were, flow from that very nature; others only obtain in a nature tended with care and devotion and thus extending itself to many things from which a more excellent human condition springs forth and blossoms, although the value of all of these things is drawn from that dignity innate in man. Of the latter kind are polite manners, the sciences and the humanities, and all the arts by which men's lives are graced and in which right reason especially blossoms and thrives. Men, considered in and of themselves, can lack such things without crime or vice, since their absence does not dishonour the natural dignity of man and does not place a man in disgrace or ignominy, although it does cause him to be of less worth and excellence, because virtue is not involved in these latter matters which only bring about an elevation of the dignity of man.

From those which diminish the natural dignity of man, one must distinguish (as I have already said) the sins that in the proper sense are committed against the natural sense of shame, which finds a place after man has fallen away through sin from the original dignity in which God had placed him in the Creation. As a result, it happened that man was deprived of that *primaeval* glory and dignity by which the vile and abject functions of an animal nature, and especially those concerning reproduction, were covered up so that he did not have to feel ashamed of them. Now that sin has been committed, he ought to bedeck them with modest manners and habits if he does not wish to be considered the kind of person who makes an ostentatious display of himself in matters that ought to incite him to conduct himself with humility and reserve. For these matters are such that, if they are not veiled or concealed, or given a seemliness brought to them from elsewhere, but instead are exhibited nakedly before the eyes of men, or if a man eagerly throws himself at them and is heedlessly and unrestrainedly aroused to indulge in them, and exults in them, they draw a man into hatred and contempt. He will be considered shameless, caring nothing for what kind of judgement he awakens in the minds of men, whether it is that produced by the exhibition of his basest part and its abject functions, or rather that which arises from the use of his nobler part; that is, of reason. Before the Fall, man used to tread in such glory and dignity that the animal functions of his body could not bring him into contempt, since his overwhelming dignity, revolving before his mind's eye, would so drive out the baseness from the animal functions that he did not need to feel ashamed of them. And because each individual, uncorrupted man used so to judge of those animal functions, there was no place before the Fall for shame to arise from a consideration of the baseness of the functions of the living body. It is not surprising, therefore, that the nature of that shame cannot be demonstrated from the laws of uncorrupted nature, since there was nothing in reproduction or in the things connected with it to make a man blush, the glory and dignity of the uncorrupted state removing all contempt from the parts devoted to reproduction and their functions, just as even now the dignity of a man, standing above that of a woman, allows him to do many things without dishonour or shamelessness, whereas if a woman were to indulge in them, she could not escape the mark of shamelessness. Thus, arguing from the immutability of the natural law or reason on which all *primaeval* natural laws are founded gets nowhere, for the laws concerning the natural sense of shame do not have their source in that *primaeval* reason, it being the absence of the original dignity that makes a place for them. And since actions committed against the natural sense of shame should not be held to be vicious in any other

way than because that which can deservedly make us objects of contempt after the Fall is not sufficiently embellished and hidden, and since in that consists the entire nature of the shamelessness that occurs with respect to sexual matters, the command of God and cases of necessity set free from shamelessness actions that, outside of those circumstances, would not be lacking in such vice. And since God wished to draw forth the entire human race from one beginning, at the origin of the world marriages between brothers and sisters were free from the vice of incest, since the natural sense of shame was not violated but, giving way to necessity, therefore shielded itself from the mark of shamelessness. So, also, in a case of necessity, the genital organs are exposed naked to the eyes of surgeons and physicians without immodesty, since there is no vice of intentionally and rashly exhibiting what should make a man blush, as if he were throwing himself into his base and contemptible state of whose protective covering he has deprived himself through sin. And since necessity and the command of God remove the sin of shamelessness from such things and their functions, God did not set up anything contrary to reason or natural law when he wished the entire human race to be propagated from one beginning. He thus approved of marriage between brothers and sisters since it is not contrary to reason to contract such marriages, but it is contrary to reason to act immodestly and not to spare one's sense of shame, which in the beginning did not occur for the reasons just given. From the above, it is now also clear that the laws of natural shame and modesty do not rest upon the arbitrary usage and custom of nations, or only pertain to civility, refinement or cultivated manners, which a people can lack without sin, especially if it lives far removed from such nations as, endowed with more refined manners, could also strengthen their own modesty by means of the same, whereas continuing to be disregarded and held of little value among themselves they deduce no reason for the respect and observance which they owe to one another and which they may perceive in more civilized nations. I say that shame with regard to the genitals is not to be numbered among the class of such manners, since it pertains not to the adornment of a nation but to avoiding the vice of rashly and nakedly exposing and making known to the minds of men the baseness acquired by the human race through sin and which ought to fill us with shame. And therefore sin can no more be absent from that action than a downcast, dispirited and dissatisfied state of mind can without sin be absent from a man who has perpetrated something unseemly against himself. Such a state of mind is certainly not regarded as praiseworthy because an old-established custom or usage of the nation, or some plebiscite, has added seemliness to an action that is otherwise indifferent or only to be recommended for respectability and good manners, but because reason commands that nobody should seek praise for himself in disgrace. And although it is also well known to everyone that shamelessness or lack of modesty procures contempt for a man, and that through that contempt he is less well protected against dangers and the animosities of the citizens, the essential nature of shame is, nevertheless, not to be sought in the benefit and protection that someone acquires through a sense of shame, to the extent that it arouses esteem and respect for him in the minds of the citizens, even though, according to the principles already given, one may rightly deduce from the consequences of that benefit an *a posteriori* reason why that virtue should be cultivated and why, even if no other reason were to recommend it, men would value modesty, since without it the first law of nature, which is self-preservation, cannot be brought to fulfilment. Pursuing the above-mentioned principles, therefore, we prove that modesty is a virtue and its opposite, immodesty, a vice, just as from the same principles we assign their place and rank to the remaining virtues and vices.

The force of this argument is not diminished because many nations have indulged themselves in such vices and have not been judged to have neglected their respectability and sense of shame when they either appeared before men with naked genitals or

practised those unions which we call incest, or because young women dedicated to love and seeking a way of life through prostitution have been held sacred by certain nations.\* The force of our arguments, I say, is not destroyed by objections of this kind. For, first, the neglect of shame can lead men so far away from the principles of nature that the seeds and images of virtue, from which ought to arise instruction and learning about the duties and functions of modesty, are so clouded over and obscured that they do not come forward spontaneously and of their own accord in such a way that the mind is directed and moved by them. Rather, there is need of some application, consideration and examples before the force of those principles germinates and blossoms. It is not correct, however, to deduce from this that the duties of shame and modesty do not flow from nature or cannot be deduced by right reason. By the same reason, you would have to say that vengefulness and a desire for punishment, adopted with the intention of harming someone from whom you feared no danger and in order thus to satisfy your hatred, are not contrary to reason, since entire nations are found which, inflamed by that furious plague, continually attack, at intervals of a few years, the nations neighbouring on and hateful to them, by whom they are never provoked and from whom they suffer no harm. And so far are these nations from being therefore touched by some prick of conscience, which might hold or draw them back from such a pestilential custom, that on the contrary they place the highest praise in these excursions and make them a harvest of glory. And yet they are those same peoples who carry about their naked genitals in the sight of men, and who in other matters show many signs of a good character which easily grasps virtue.† Modesty once destroyed does not easily return, and in such nations it could have come about that through want of arts and clothes when they were first conveyed to those lands that they now cultivate, they were forced to go about naked, and that at length, through long use, their sense of shame was erased. They could, nevertheless, stimulate it were they to direct their minds to it, since in many other matters that have an affinity with sexual modesty the force of shame is apparent in them, and if they desired to cultivate it with care, the duties and functions of modesty would not long remain hidden to them.

I am put in mind of these things in order to remove the objection according to which it is stated that barbarous nations that have been steeped in the custom of carrying their genitals naked are free from sin because, lacking the example and instruction of other nations, nothing to the contrary can come to their minds by which they may improve their own manners and adopt more modest ones. Nothing is concluded, moreover, from the fact that, even among cultivated nations of more refined character, fornication has been employed in religious worship itself, and that incestuous unions were honoured with such dignity that they were only allowed to those having been born of royal blood, which once obtained amongst the Persians.‡ For whatever is considered to be done out of religious observance is judged to be holy and just, and whatever vice and unseemliness otherwise seem to cling to certain matters is considered to be removed from them whenever religion urges us to do those things. And one would therefore be wrong to conclude that

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\* In antiquity, temples of Aphrodite, or Venus, frequently housed prostitutes who dedicated their services to the goddess; see, e.g., Strabo, *Geographia*, 8.6.20, C378.

† There were many accounts of such behaviour among the natives of the New World, e.g. Jean de Léry, *Histoire d'un voyage fait en la terre du Brésil* (Paris, 1578); see also Montaigne, *Essais*, I, 30.

‡ The source of Van Velthuysen's assertion is unclear. That Persians married their mothers is reported in Sextus Empiricus, *Outlines*, III, 205, but is associated particularly with the Magi.

something was not held to have been unseemly by the consensus of all nations because when practised in divine worship it has seemed to lack all unseemliness according to the understanding of a people. Just as among some nations certain prostitutes were sacred to Venus, so among Christians many women have taken vows of virginity. Neither may you correctly deduce from such a practice that the life and trade of a prostitute were not considered shameful because in the cult of Venus prostitutes were valued and honoured, any more than you may appropriately conclude that the slaughter of innocent men was not condemned by nations because they employed human victims in sacrifices.\* Thus, you may not correctly infer that the consensus of nations does not condemn incest, and that nature does not abhor it, because some people have considered themselves in certain cases either to be cultivating piety or to be adding to the dignity and honour of certain families when they held the children of incestuous marriages to be either more holy or more excellent than the remaining multitude. But this is the chief point in controversies of this kind. One should reject every custom, even of the more civilized nations, when reason condemns it, because no consensus of men or ancient custom can dictate against God or right reason. What people has been superior to the Greeks in learning and refinement of manners? Yet there was such violence in their manners that they used to expose infants whom they were unwilling to bring up.† So also, in the life of Cimon by Cornelius Nepos, we read that he had his half-sister in marriage, drawn less by love (so the author tells us) than by established custom.‡ What people was more civilized than that of Athens, or more given to the humanities? Who, according to the testimony of the Apostle Paul, was more enslaved by superstition or more devoted to the worship of idols? One may thus ascertain the truth of what the Apostle says in Romans, chapter one: 'Professing themselves to be wise, they became fools.'\*\* And such departures of nations from the ordinances of nature are easier and more frequent in matters of modesty, because the preservation of both its peace and its society does not entail the establishment of laws regarding modesty, even though the promulgation of laws concerning right and justice necessarily accompanies that same preservation, since a society lacking those laws immediately experiences such disadvantages that it falls into ruin. But in nations in which modesty has disappeared, scarcely any disadvantages arise from the neglect of precepts and laws regarding modesty, which anyone may easily understand. However, once laws regarding modesty begin to flourish in a nation, then nobody can ignore them unless he wishes to be considered worthless and base among his people. For the same reason, you may find nations about which you doubt whether they suppose there to be any God, among whom laws of justice nevertheless flourish because the necessity of self-preservation has imposed on them the necessity of establishing them. And this is the reason why they who seek to derive the essential nature of natural laws from the fundamental law, namely self-preservation, do not number shamelessness with regard to sexual matters among the class of sins, since the nature of the sins that are committed against the natural sense of shame does not flow from that law of self-preservation. Nor from that fundamental law can the nature of

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\* This was claimed of the Scythians in *ibid.*, I, 149 and III, 208. According to the Romans, human sacrifice was also practised by the Carthaginians.

† As, most famously, Laius ordered Oedipus to be exposed following the oracle foretelling that he would be killed by his son; see Sophocles, *Oedipus Rex*, 1220–1226.

‡ Cornelius Nepos, *De excellentibus ducibus exterarum gentium*. It was common practice among the Athenians for men to marry a half-sister on their father's side. Cornelius Nepos was a Roman biographer of the first century BC, and a friend of Cicero.

\*\* Romans 1:22.

*On sins committed against human dignity*

I (now)<sup>72</sup> come to the second category, which contains the sins committed against the dignity of man. The first of this kind is inebriation, for since God has conferred reason upon me, either He has granted it to me to no purpose, or I am not permitted to corrupt it whenever I please.† And since God has destined me to definite actions which become known to me through the appetite, the faculties of the soul and the structure of the limbs, it therefore follows that God has at the same time commanded me to abstain from, or moderate, whatever by its nature seems to intimate actions that are contrary to the former.

Hence I conclude that God has not left me at liberty to employ such gestures, gaits, contortions of the limbs, etc., as do not befit the character  
 90 that I must play on the stage of this world. And hence I infer that the actions, gestures and gaits that indicate the imperfections from which God wished man to be free are prohibited by nature, and He shows this through the actual combination of gifts that manifest themselves through other gestures and the construction of the body.‡ For if such gestures and gaits were at a man's disposal, it would follow that God had wanted me to sustain the character of a fool, madman, or suchlike on the stage of the world and at the same time that of a wise and sober man, so that I may

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such sins be assigned otherwise than for all of those of which, when a man commits them, he should feel ashamed. And shamelessness, which generally denotes an absence of the due sense of shame which anyone at all, unless he wishes to be considered immoderate, should experience when he commits anything unworthy of himself, makes itself known from that fundamental law of vice, but not immodesty. Or, at least, it cannot be shown from that law that there is more vice in the things that we say are done contrary to the natural sense of shame than in those which a man of any rank and position among his own people commits contrary to an arbitrary custom of men with more civilized manners. From these arguments it is again obvious that the fundamental law of self-preservation shows why virtues should be cultivated, but not in what matter their essential nature consists. I shall not pursue these matters further lest this letter exceed its bounds, and because all these matters are discussed more clearly in a separate treatise.\* Let it suffice for now to have brought forth in public the matters that contain the sources of the answers to the objections that we have recounted above, and the knotty points of which we refrain from solving specifically in order to avoid tediousness and to allow something to be left over in which the assiduity of the reader may engage itself.

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<sup>72</sup> Corrected in 1680.

\* I.e., Van Velthuysen, *Tractatus moralis de naturali pudore*.

† Cf. Hobbes, *De cive*, III, 25.

‡ On this and the following arguments, see Cicero, *De Officiis*, I, 30–35.

be accounted one who is endowed with reason and directs his actions according to that faculty and who at the same time exhibits all the signs of a lunatic.

Therefore, just as the creation and government of the world, in leading me to the knowledge of an omnipotent, wise, just, etc., Creator, do  
 91 not allow me to form contrary conceptions of Him or to represent Him as a lame, weak and worthless thing exhibiting on all sides the signs of imperfection, so neither may I employ outward gestures that are incompatible with the natural dignity of man and that intimate imperfections which God wished me to stand far above. Nor is it of any consequence that spectators may easily see from the circumstances that such gestures are employed gratuitously and for the sake of diverting the mind, or to represent the imperfections of others, as occurs in theatrical entertainments. This fact, I say, does not remove the unseemliness from such actions, since whatever from the usage and custom of a nation implies unseemliness and imperfection cannot be stripped of such a natural signification by the judgement of a few men.

Matters that do not flow from a similar, common practice, or that do  
 92 not occasion unseemliness, are of a different nature. And so, just as it is not in a man's power to cause imperfections to come by the name of perfections, neither can he cause the signs of imperfections to be other than what they are. For the natural signs of perfections flow directly from the natural faculties and are indications of them. Thus, by this argument, it is shown that it is the will of God that we preserve those faculties intact, and it is proved by the same argument that we should employ gestures, movements of the body and limbs, gaits, etc., that are indications of those same faculties. Hence it is clear, as I shall say in passing, that just as man has been created in the image of God in both body and soul, so the external fabric of the body manifests the internal endowments of the soul.

Here, however, I wish a distinction to be observed between signs that signify naturally and those that signify through convention, and then  
 93 between those that naturally denote perfections flowing from the nature and condition of a man as a man, and those that represent to us perfections that ought to be present according to the circumstances of his condition and character, just as some gestures befit a king simply as a king, 986 others when he is intent on matters of war or deliberating in council on the welfare of the kingdom. Thirdly, between signs that designate perfections of which nobody can deprive himself and towards which every single one of us should strive, and those which, while they do indeed denote perfections, a man, if you consider him absolutely, may yet be lacking

without sin, and which only contribute to a man's well-being and to adorning his condition. Gestures contrary to such an adornment, which must be acquired by art and industry, do not make a man guilty of sin. And to  
 94 this point one may suitably refer all matters pertaining to the politeness of manners: speaking clearly and walking in a modest and orderly manner, by which an individual's discretion may be shown; sitting down to lunch or dinner with clean hands; looking after the appearance of one's hands and face; cutting off excess growth of the nails; turning one's face away when bringing up phlegm; seeking to withdraw for the requirements of nature, the emptying of the bladder or bowels; <seeking concealed places if one has an assignation with a woman;><sup>73</sup> covering up those parts of the body which in some particular manner denote human weakness.

Finally, one must distinguish between gestures that denote some slight and non-crippling imperfection and such as denote a great one. The former can be employed, I believe, according to the reasons given above  
 95 for demonstrating the indifference of certain acts, for otherwise a slight leaning to one side in order to represent the deportment and gait of a drunkard would be illicit, and an infinity of similar things would add to the number of sins, which can enter the mind of nobody who is not full of prejudice. Just as I said above, however, concerning the exposure of our private parts, that it is evil if it is a sign of wantonness or if accompanied by a lack of the due respect that I owe to my neighbour,<sup>74</sup> so also gestures and movements of the body are only evil when <they assume the nature of signs of the sustaining of an imperfection from which God wished us to be free.><sup>75</sup> If they no longer possess the nature of signs, however, consideration of them does not pertain to ethics and they should be called neither good nor evil.<sup>76</sup>

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<sup>73</sup> Deleted in 1680.

<sup>74</sup> Inserted in 1680: 'for a man who has found solitude may uncover them, a sin committed against the natural sense of shame consisting in this, that a man ought to fear the judgement of his neighbour concerning the vile and abject use of the reproductive organs'

<sup>75</sup> Corrected in 1680.

<sup>76</sup> Inserted in 1680: 'Into the class of sins committed against the natural dignity of man I place fornication, polygamy, divorce and concubinage, but since this is a matter for greater energy and effort than can be applied here, I reserve it for a treatise of its own,\* in the present circumstances leaving it to your assiduity.'

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\* I.e., Van Velthuysen, *Tractatus moralis de naturali pudore*.



*An officious lie is not always a sin*

96 Theologians are generally accustomed to refer a lie to sins of this nature, as if it were a sin against the natural use of the tongue, and they further consider it illicit in all cases, which opinion shall never have me as a supporter.\* For, from that perspective, any word or sign that a man gives out to signify something other than what it usually signifies through convention, and contrary to his true intention, would be a sin. It would not, for example, be permissible to entice a dog with allurements when, thus drawn to me, I have determined to punish it, nor to confuse an enemy through stratagems or deceive him by means of falsely drawn-up letters in the event, of course, that a war or state of hostility persists, all of which seem highly absurd to me. For this reason, I am accustomed to refer lies to sins that are committed against one's neighbour and violate his right.<sup>77</sup> And therefore, in common speech, signs given out contrary to the intention and sense of understanding of the signifier that result in an injury to a fellow man and the violation of his right are denoted by the ignominious name of 'lies'.

When there is no suggestion of the violation of such a right, as in the stratagems of war and the deceits that we employ against brute animals, then they are not commonly called lies. Cases, however, in which it is uncertain whether the right of a neighbour is being violated have given occasion to debates concerning officious lies,<sup>†</sup> and whether or not they are lawful, for it is disputed whether the neighbour in such a case does not appear to have surrendered his right or to have forfeited it *ipso facto*. (Although I do not consider all the officious lies that are commonly defended to be perpetrated in accordance with justice, I nevertheless do not believe them to be worthy of condemnation in all cases, any more than theologians in general condemn the confiscation of some object belonging to another against the will of the owner, for example the withholding of a sword from an enraged owner preparing unlawful revenge.)<sup>78</sup>

<sup>77</sup> Inserted in 1680: 'and so are imbued with a note of injustice'

<sup>78</sup> Replaced in 1680 by: 'Although I do not free lies, commonly so called, from vice on the grounds that they are officious and advantage redounds from them to the neighbour, I do consider those to be free from sin in which the right of one's neighbour is not harmed.'

\* See, e.g., Thomas Aquinas, *Summa theologiae*, II<sup>a</sup>II<sup>ae</sup>, q. 110, a. 3.

† I.e., lies told with the intention of doing good.

*On sins committed against one's neighbour*

98 Thus far, I have been dealing with sins that man commits against God or against himself. It now remains for us to hurry on to a third class of sins that are committed against the duty owed to one's neighbour. I would therefore like to go back to the first principle: since God has committed to my care the soundness of my life and limbs, and I cannot support my life and spirit for even a short time without an abundance of means, it follows that God has granted me the right to the means without which my life cannot be secure. For he that gives a right to an end also gives a right to the means. Hence I deduce the following axiom: *That I have a right of possession and use of whatever may serve me advantageously in the attainment of the end of the things I said above that God requires of us.* And since with sound and healthy judgement I conclude that all the creatures  
 99 in the world can serve me in such a use, I therefore have a right to all of them.\* That my judgement is correct, moreover, becomes clear from the following.

First, because each individual creature is made legitimate use of by an individual man, and there is none whose use is forbidden. Therefore, those which all individual men make use of, one man alone can make use of without sin, and, with respect to the<sup>79</sup> creatures, no moral contradiction arises. Whether a certain iniquity may arise from it with regard to other men, however, will be examined further on. Secondly, if the judgement established in that manner were not right, there would be no rule according to which a judgement could be formed concerning the things of which the Lord God granted man the use, or what those things are that He has removed from his right and dominion. Thirdly, either all creatures have  
 100 been granted to the use of man, or none. For if it is permissible to destroy the well-adapted and elegantly crafted natural form of one creature for my own use, why not of all of them if it is expedient to do so? It is therefore clear with respect to<sup>80</sup> creatures that nothing stands in the way of man being permitted to make use of each and every one. The difficulty remains as to whether there is any incompatibility with respect to one's fellow man, whom we do not include among those creatures. And so I must now examine what I owe to my neighbour.

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<sup>79</sup> Inserted in 1680: 'irrational'

<sup>80</sup> Inserted in 1680: 'irrational'

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\* Cf. Genesis 1:26–28; Cicero, *De officiis*, I, 7; Hobbes, *De cive*, I, 10.

*In the primitive state individuals are masters over  
the entire universe, with the exception of other men*

I have proved that man has a right to the possession and use of creatures lacking reason. Since, however, my fellow man has been created with the same dignity that God wished me to uphold, he should also enjoy the same privileges as I do. He will therefore have an equal and like right to all creatures, and thus both he and I will be permitted to make use of them, and, with respect to creatures, there has not been consigned one part to my neighbour and another to me.\* What portion of the creatures has been allotted to me and what to my neighbour, therefore, must be  
 101 investigated from another direction. Here, however much my opponents set their minds spinning and rummage through their papers, they will have to admit that the division of goods draws its origin from contracts. This becomes very clear from those who teach that in an extreme case of necessity the primitive right is restored, and that in such a case it becomes legitimate to make use of such objects as they had yielded by contracts to the possession and ownership of a neighbour. They are also compelled to come over to this opinion who defend as just, when a commonwealth is dissolved and magistrates no longer retain their authority, that each man look out for himself and seize those goods that before the state of confusion belonged to his neighbour, so long as he is prepared to restore the goods of his neighbour when he can enjoy his own in safety. For he will not renounce the right that he had to the goods of his neighbour, as  
 102 master of the universe, on any other condition than when he may enjoy the safely restored possession of his own goods.

But you will object that although no definite portion has been allotted to individual men, some part of the world has been, and one man will not be allowed to bring the entire world under his control, for thence it would follow that one man, if he had the power, would be allowed  
 988 to deprive others of the necessities of life, and even to kill them, which seems to contradict what has been said above. For God, decreeing the use of life to man, at the same time determined to bestow on him the things necessary for life, which another cannot take away from him, unless placed in extreme necessity (even if no contracts have instituted a division of goods), without immediately subverting the end intended by God in

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\* On the relationship between the following arguments and those of Grotius, see Introduction, p. 29 above. Cf. also Cicero, *De officiis*, I, 7.

the creation of his fellow man. Then, it could be objected that there exist certain natural conditions in which if a man is born, or should for any  
 103 other reason find himself, a right arises in him prior to all pacts, whether implicit or explicit, to a definite part of the world, of which part another cannot divest him and to which he cannot lay claim to a similar right for himself. In this manner, children acquire their parental inheritance by right of birth, and if someone were driven by a storm upon an uncultivated and uninhabited island, he would be lord of that island by the law of nature.

I reply that not only in an extreme case of necessity may someone place the world under his yoke, assuming that anyone can arrive at such necessity, but also if he can promise himself any advantage from it, in the same way that an owner may make use of his own belongings according to his pleasure. And in making use of them he does not sin against justice, by which he is bound to render unto his neighbour what is his. Rather,  
 104 he can only transgress against himself. No man, therefore, is compelled to desist from conquering the world on account of the right which his neighbour holds towards the universe prior to contracts, for at that time such dominion is, as it were, thrown open to the public and anyone may take possession of it as though it is empty and deserted, given that no right of a fellow man impedes it. But since my neighbour has just as much right as I do, and often no less strength, if not in seizing sovereignty at least in pursuing vengeance, I shall be sinning gravely against the law of self-preservation if I do not come to a division of goods. Otherwise, it is impossible to avoid a state of war, which, since it is ruinous and destructive to both sides, I am bound to avoid.\*<sup>81</sup>

<sup>82</sup>I am now going to prove by the most efficacious arguments that each individual man has a right to this entire universe, for on this foundation  
 105 rest the remaining natural laws that pertain to one's fellow man. It is first demonstrated from the fact that in extreme case of necessity my right to all things necessary for the preservation of my life is restored. I say that my old

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<sup>81</sup> Inserted in 1680: 'I can also be led in the opposite direction through a desire for dominion, avarice, excessive fear, etc., so that I strive after more things than the law of self-preservation commands, and thus I can carelessly put my neighbour to death by accident, but no injury arises to him from me on that account because by natural law anyone is the arbiter and judge of whether his fear is just or unjust.'

<sup>82</sup> Inserted in 1680: 'Furthermore,'

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\* Cf. Hobbes, *De cive*, I, 12.

and primitive right is restored, not that it is (newly)<sup>83</sup> acquired, since my ruin does not procure me a right to those things to which I previously had no right. Thus, I may not sin against natural religion or commit anything contrary to natural decency in order to avoid death, since all such things were never subject to my will, but I to them. Extreme danger, however, removes the condition under which (I had surrendered)<sup>84</sup> my right, and, should the same necessity continue to oppress me and my descendants, I possess by right through the ages those goods which, by restitution as it were, return to me in an extreme case of necessity.

106 Secondly, the most learned among theologians and lawyers teach that, in carrying out legitimate self-defence, the defender is not considered as a member of society, but employs his primitive right that God granted to every individual for the preservation of his life. I do, indeed, know that one can find learned men who teach that in an extreme case of necessity the right to a neighbour's goods is not restored to a man, but that everyone must endure his fate with courage. But the same men contradict themselves in such matters when they defend as just the undertaking of legitimate and blameless self-defence. For, in such a case, I kill my 989 neighbour justly, not because he has done me harm, but because my defence has been entrusted to my care by God. If I may defend my own life at the expense of my neighbour's, however, how much more may I do so at the expense of my neighbour's goods, which are far inferior to life. And although I recognize that there is a great difference between my 107 killing my neighbour in self-defence and claiming his goods as my own, which difference I shall point out later, that difference does not weaken the argument I have employed from undertaking legitimate self-defence.

You will ask, however, what such matters do to prove that one individual man has a right to the entire universe, and say that nothing stands in the way of one's neighbour being able to force the entire universe under one rule, as I might say, if he should rightly judge this advantageous to his affairs. But this seems to me of very great service in proving the matter that lies before us. For, if for the sake of protecting my life I may take the goods and the life of my neighbour in order to make mine safe—indeed, if for the sake of preserving one's goods, privileges, freedom, etc., one may break out 108 into war against one's neighbour—how much more will I or any man be permitted to claim as his alone those goods that fall to the first possessor,

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<sup>83</sup> Corrected in 1680.

<sup>84</sup> Corrected in 1680.

and to deprive my neighbour of all those things of which he endeavours to strip me of my possession, or when there is justifiable fear that he will do this if he can meet with a suitable opportunity. For the things that I take from my neighbour were no more his prior to contracts than mine, just as in war the goods of the enemy are acquired by right, because with contracts in abeyance the primitive right by which each individual has a right to everything returns, even though the enemy is not deprived of his right and often defends his goods by the same right by which the other endeavours to take them away if his enemy is excessively hostile and does not permit peace to be cemented and concluded on fair terms.<sup>85</sup>

109 Thirdly, it is proved that a right to this entire universe is granted to each individual man, since the right to the use and possession of objects ought to be taken up as a result of the benefit I believe will redound to me from the objects (just as has been proved above when I taught that a man may make use of any creature he pleases), and the rules of that judgement are only precepts concerning the worship of God or natural decency or self-preservation. Thus, I have a right to, and may enter into possession of, anything in this universe that I have judged to be advantageous to my affairs, so long as this does not violate the law of self-preservation (for the remaining laws of religion and natural decency do not relate to creatures). If, however, there is no such right of my neighbour to the same creatures prior to contracts, then in what manner *<does>*<sup>86</sup> the right of my neighbour become known to me? It will not be a judgement of my neighbour indicating with what I ought to be content, for why will his judgement be superior<sup>87</sup> to mine? Nor any condition of his birth, or  
110 in which I find my neighbour already secured. In fact, to reply to the earlier objections, the quality of being a son, for instance, does not confer a right to the paternal inheritance except by means of contracts, even though such a succession is very much in accordance with nature. For the disposition of a will by which a son inherits the goods of his father is freely made, and the father is not obliged to appoint his son as heir if he judges this not conducive to his affairs. And the son is so far from possessing a

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<sup>85</sup> Inserted in 1680: 'Indeed, a war is equally just on both sides when the side that wages it and the side that prepares itself in defence judge right and justice to dwell in their cause, just as one who lays an accusation against an opponent is as much free from guilt as one who, defending himself in a lawsuit, reaches a settlement, provided that their minds are free from deceit and calumny.'

<sup>86</sup> Corrected in 1680.

<sup>87</sup> Inserted in 1680: 'and preferable'

right to the paternal goods by nature that the father can sell his son. Thus, the son is under the dominion of his father, together with all his goods, unless the father has granted him his independence or there is some other provision in the civil laws.

Nor will first possession prior to contracts indicate the right of a neighbour to any creatures, because first, in that case, by no right can such goods return to me, in whatever case of necessity I find myself, since that  
 111 only obtains in goods of which (I have made a voluntary surrender to my neighbour),<sup>88</sup> but you will find few who have granted such a prerogative over goods acquired in the former manner. Secondly, why should right accrue to my neighbour more from first possession than from first  
 112 discovery made by sight? You will certainly find nothing here but the constitution of nations which wanted the right to a piece of land to fall to the first occupier rather than to him who first saw it. Thirdly, imagine two men, one nimble on his feet, the other slow. It is clear in this case how unequally matched the two are for the acquisition of property. Here too, therefore, the right to what is possessed is not owing to that first possession from nature, but to an implicitly agreed contract. 990

Not even the misfortune of my neighbour will restrict my right to the universe, nor will charity dictate what and how much I may acquire for  
 112 myself and what leave to my neighbour. With regard to charity, it has been said above, and sufficiently demonstrated, that it begins not with my neighbour but with myself, according to the saying, 'Thou shalt love thy neighbour as thyself';\* and 'Do not unto another what you would not have done to you.'† Further, whatever I owe to my neighbour out of charity, that condition of owing does not arise from some right which the neighbour has to those things by nature. But you will say that, nevertheless, contracts and a division of goods are necessary, even though they are made by means of reason and a concomitant act of freedom, for without such contracts God could not achieve the end He proposed to Himself in making man, since from such and similar contracts are derived the natural laws to which man cannot but subject himself and which he must establish for himself through reason. And therefore a share of the world belongs to my neighbour and I owe him many things, so that I clearly have no right to everything.

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<sup>88</sup> Corrected in 1680.

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\* Leviticus 19:18, and several other passages.

† A popular form of the so-called 'Golden Rule'; cf. Matthew 7:12.

113 Nothing else is proved by this instance, however, than that such is the nature of natural laws that (some)<sup>89</sup> right accrues to my neighbour from them, which right, just as it flows necessarily from natural laws, is also natural to my neighbour. And it can only be the case that, if I wish to comply with the law of God regarding my self-preservation, I am obliged to cede a part of the world to my neighbour. This has not been denied. But it was to have been proved that we proceed to the establishment of natural laws because we owe something to our neighbour. This I deny and continue to deny. For it comes about because we owe something to ourselves, which requirement we cannot fulfil without some benefit recurring to the neighbour through this same action. For, to take an example, this is how we argue in establishing the laws of charity: acts of charity must be undertaken, because unless men are also free to attend to these the human condition will be harsh for each individual, and so on. Thus, 114 while each individual argues in this way, because of the disadvantages that everyone foresees will visit him if acts of charity are removed from human life, each individual concludes that he must undertake them if he does not wish himself to be deprived of infinite benefits. Since, however, many reject this method of investigating the natural laws that direct our duties towards our neighbour, and the remaining natural laws are investigated by this method, I am disposed to remove one or two difficulties.

If this is the way to investigate natural laws, then whatever is exceedingly harmful to me will be contrary to natural law, and what is beneficial will be in conformity with natural law. Therefore, if I can defraud a creditor without danger of retaliation, I would be right to do so. If I can slay an enemy without fear of revenge, this will be justly done. Again, since it is 115 bound to harm me greatly if many embrace the same art as that which I profess, if many engage themselves in the same way of life then they are sinning against natural justice. Some consider these and similar objections to be of such weight that they firmly believe that whatever could be adduced thus far according to the method I am proposing can be overturned by them. But who has ever argued in the following manner, that whatever according to particular circumstances procures a benefit for any private individual, or prevents harm, is commanded, or prohibited, by natural law?

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<sup>89</sup> Corrected in 1680.



Rather, the argument ought to be set out as follows: *Whatever in general 991*  
*and by its own nature has been so fashioned that men <cannot><sup>90</sup> do without it*  
*without severe harm to the human race, or which if allowed indiscriminately*  
*will do serious harm to the human race, is [commanded or] prohibited by*  
 116 *natural law.* What difficulties now arise from this? Would it not be the  
 greatest disaster to human society if by right I might always kill a man from  
 whose death there cannot arise an equal danger to me? And as to what is  
 objected with regard to many pursuing the same occupation and the same  
 manner of procuring the necessities of life, this does not stand in the way  
 of my principles, for neither may a man practise a way of life by which life  
 cannot be protected. But you will say that he nevertheless does no harm to  
 his neighbour if he follows an occupation that cannot support two, since  
 the number of those practising the same profession has not been defined  
 by either implicit or explicit contracts in the way that the parts of the earth  
 have been divided and each individual assigned his definite share.

I reply that it is true that one's neighbour is not harmed by it on account  
 of the reason that is given, but the number could not be, nor ought to  
 117 be, defined from natural laws, any more than all those other things that a  
 magistrate regulates according to natural permissive law after the setting  
 up of society, because those arts and means of procuring sustenance have  
 no connection with the natural state of man, any more than do particular  
 forms of government, even though some one of them is always required.\*  
 In the same way, it could not be determined by natural law to what degree  
 of generosity and to which acts of charity men have an obligation, even  
 though it may be proven by reason that each and every one is subject to  
 the laws of charity.

It might be objected besides that if the natural laws that pertain to one's  
 fellow man have been introduced out of necessity, then nobody will be  
 allowed to devote his life to the welfare of his neighbour since the law of  
 self-preservation has brought in the other laws. If this law had not been  
 commanded by God, there would have been no point to the other laws.  
 118 Instead, if man may excuse himself from observing that fundamental law,  
 no natural laws will be binding on man but will be dependent on his  
 will, which is most absurd. On the other hand, that a man ought to lay

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<sup>90</sup> Corrected in 1680.

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\* For the definition of natural permissive law, see p. 72 above.

down his life for the sake of his neighbour, or at least may do so without transgressing, is clearly taught by Holy Scripture.\*<sup>91</sup>

(I reply)<sup>92</sup> that the law of self-preservation is not binding in the same way as are the laws of natural religion and those which prohibit sins against nature or the natural dignity of man, because in the latter there can never arise a case that either exempts a man from showing obedience or gives him the right to choose whether he would rather suffer some harm and strive after the perfection that is hoped for in the observance of those laws, or rather, having renounced that struggle, not manifest those pre-  
 119 eminent acts of virtue. In the former law of self-preservation, however,

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<sup>91</sup> Inserted in 1680: 'I reply that I have urged more than once above that there is a twofold reason for cultivating virtue. One obtains in the state of innocence, in which man used to pursue virtue not so that he might avoid evil and procure for himself some good, which obtained after sin and misfortunes had been brought into the world, but gave himself to virtue because his uncorrupted nature led man to it. This is entirely in the manner in which man used to enjoy food and drink, not that he might escape death, but because the natural constitution of the body drove him to eat, and just as a man disposed to liveliness and merriment by the temperament of his blood is joyful, sings, and wears an unfurrowed brow, not so that he may revive himself and dispel sadness, but because he is lively and cheerful and therefore avails himself of actions in keeping with that cheerfulness. But after sin introduced death and all the miseries that lead to death, and man not only knew good but also evil, the opposite of good, since virtue does not of itself have the reward that it keeps man free from natural evils, if man were not shown a reward for virtue from another source there would be no reason why, by following virtue, he should punish himself with evils. Thus, without that offer of a reward, not only would he be free to reckon his own life more valuable than the comforts of a neighbour and so not perish for the neighbour, but he would be acting against reason if he were to place the life of his neighbour before his own. Therefore, from this principle of self-preservation, separated from the manifestation and offer of a reward made by God, one cannot deduce that this is man's duty. Of course, in some cases, he can or ought to put his neighbour's welfare before his own, and therefore that fundamental law of self-preservation fails in obligations of this kind, since it only considers the usefulness and beauty of virtue in relation to the benefits that redound to civil society when a desire for virtue thrives among men, and these benefits would continue to exist even if there remained no reward for the cultivators of virtue after this course of life had been run. Thus (to answer the objection), I concede that from the fundamental law of self-preservation considered in the absence of a reward, which virtue acquires from without, it does not follow that there can at any time be an obligation on man, whether it aims at heroic virtue or procures only the fulfilment of the duties of common charity, to perish for the sake of his neighbour. If, however, the worth and dignity of virtue are sought either from its essential nature or from the hope of a reward, I say that an occasion can occur when it is permissible to make a trial of eminent virtue by sacrificing oneself for one's neighbour and expending one's life for his well-being.'

<sup>92</sup> Replaced in 1680 by: 'In such a case, however, I say'

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\* E.g., John 15:13: 'Greater love hath no man than this, that a man lay down his life for his friends.'

such cases can arise because it is not commanded according to the same necessity, for one cannot demonstrate the same moral contradiction in it as is obvious to anyone in the above-mentioned laws.

Such a contradiction is, indeed, easily elicited from the above-mentioned laws. He to whom God has assigned tasks and acts of virtue to perform in this world, which presuppose the use of life, is not allowed to throw away his life without a trial of virtue as though it were a thing without purpose. Such a moral contradiction, however, does not manifest itself in like manner here. He upon whom God has bestowed life for exercising virtue, and so that it may run its full course, may not hasten the end of his life, unless such hastening does not set up an obstacle that prevents him from reaching the intended goal or that drives him back behind the starting post itself. This occurs if someone causes his  
 120 life to end without setting an example of virtue, for he cuts himself off from all exercise of virtue, just as a man sins gravely who, becoming dull with idleness or forbidding himself the use of reason through a drugged potion, thus cuts himself off from the path to knowledge and erudition, even though he is not held to commit the same sin if he does not always strive after the highest wisdom, provided that he applies his efforts to other matters from which he can also promise himself to reap the harvest of virtue. There is, nevertheless, the difference here that nobody may exchange life for death except for an exceptional benefit that accrues to his neighbour as a result. For he does not value life to its full worth who throws it away as a most trifling thing, since God has bestowed it upon man for great purposes which he should not deflect through an over-hasty  
 121 death. In like manner, neither can anyone for the most part forbid himself the use of created things and inflict many inconveniences upon his life without the hope of a greater good, namely the exercise of virtue. For, in this respect, what the Apostle teaches is most true, that 'No man hates his own flesh.'\*

Hence, it is now apparent that there is a twofold necessity of establishing natural laws. First, because it was not proper for man entirely to abdicate his dominion over creatures and commit himself to the mercy and dominion of another, any more than it is proper for someone to subject himself to poverty and other miseries through supine negligence, or the state is at liberty to hand itself over into harsh servitude under an enemy when it has sufficient forces for its defence. For the benefit which one

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\* Ephesians 5:29: 'For no man ever yet hated his own flesh.'

might be able to hope for from such suffering and abasement may in no  
 122 way be compared with the harm, disgrace and ignominy that deservedly  
 fall upon such deserters of their own lives. Secondly, even if it had not been 993  
 improper for men to let themselves sink so far, on account of the virtue of  
 suffering, that they had all been able, without necessity, to commit them-  
 selves to the will of one man, since it is nevertheless impossible for them  
 all to unite in that purpose and resolve, it would also have been neces-  
 sary to come to the division of property, and other natural laws, without  
 which man, who is not equipped to suffer any extreme, cannot lead his  
 life. I therefore deduce two things from what has been said above. First,  
 that man is not obliged to expose himself to death for the sake of his  
 neighbour.<sup>93</sup> Secondly, that he can do so if he chooses when an exceptional  
 benefit will redound to his neighbour as a result and the opportunity for  
 heroic virtue has been provided. The second point is clear from what has  
 been said before, and, because we have no adversaries in this matter, to  
 123 prove it more painstakingly would occasion weariness in the reader. The  
 first point, however, because it has many opponents, I shall demonstrate  
 by means of the most evident proofs.

*A man is not obliged to die for the sake  
 of his neighbour, nor for his country*

First, I advance my previous assertions as skirmishers. Whoever has  
 passed over to an opinion contrary to mine has been seduced by the error  
 that he considered man to have been created for the sake of other men,  
 and by the first edict of God to have been condemned to being under  
 obligation to the rest, so that man should persuade himself (that he has  
 been created more for his neighbour's good than for his own.)<sup>94</sup> Since,  
 however, I have asserted the contrary by means of, if I am not mistaken,  
 irrefutable arguments, all the arguments of my opponents therefore col-  
 lapse. Secondly, if I ought sometimes to expose myself to death for the  
 sake of other men, will it be for friends or for enemies? If for friends, then  
 their kindnesses have obliged me to do this. But many would much prefer

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<sup>93</sup> Inserted in 1680: 'if you consider the common precepts of charity, and especially if you judge the duty of man from the benefits that spread throughout civil society from the love of virtue, just as the method by which the natural laws are deduced from self-preservation as the fundamental law considers it'

<sup>94</sup> Replaced in 1680 by: 'that in the offices of charity a neighbour's cause ought to be dearer to us than his own to each man.'

124 to go without any favour than to accept it under such a burden. Then, it is for my opponents to determine how many and how great such kindnesses should be by which a friend is obliged by friends to such a harsh fate. Thirdly, it is therefore not mere civility, which commands me to have compassion for my neighbour, that imposes that necessity upon us (which all who defend that opinion have thus far taught), but gratitude and the memory of favours received. Fourthly, I shall therefore have to die not only for the many and for the safety of the entire state, but also for a single benefactor, which none that I know of has yet proposed. Fifthly, suppose that the memory of kindnesses obliges us to repay our neighbour with equal measure. Then I shall only be obliged to expend the last breath of life for the sake of one who, at extreme danger to his own life, has preserved mine.

125 Sixthly, if life must be expended only for friends, then he shall have acted improperly who has done so for enemies. But Christ delivered himself to death for the sake of his enemies, and such a service is exalted above all things in religion, being represented as a virtue such as no love or charity can rise above. Therefore, it is not only necessary to die for a benefactor.

Neither does mere civility impose such a necessity on man, because then that ought also to be the case for enemies. Then, however, you condemn at one stroke wars, legitimate self-defence and all capital punishment in the commonwealth, and thus all things whatsoever that the learned generally teach are permitted by right of extreme necessity in connection with the loss of a fellow man's life. Nor would charity begin with oneself, but with one's neighbour, and we shall have to meet death as much for the one as for the many. For what, I pray, does the number

126 matter here? Is it because many receive the benefit? I have shown above, however, that the duty of deserving well of a neighbour does not extend to such harsh terms, nor can it be consistent with self-defence. Or is it because, being the will of God that the world should be full of inhabitants, it is more fitting for me to perish alone than to send an infinite multitude

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of men to the slaughter through being excessively fond of my own preservation? But I do not know from nature how many inhabitants God wishes there to be in the world, since God Himself frequently sends a countless number to the afterlife through pestilential diseases. Then, since God not only wishes men to be, but also to be well, and to that end has created so many things for man's pleasure, I shall prove by the same reason that it is the duty of everyone to deprive himself of his own so that the rest are as well as possible.

127 Finally, the remaining arguments that I deduced above square with this point. It is therefore not necessary for anyone to expose himself to

death for the sake of a fellow man, no matter what occasion might present itself, and this heroic act should not, for that reason, be reckoned among the common acts of charity and those that are commanded by natural laws,<sup>95</sup> nor the justness of the deed be deduced from the<sup>96</sup> common foundation of natural laws. For then the necessity of laying down the use of his life for the sake of his neighbour would often be incumbent on a man, just as common acts of charity are necessary and we cannot abstain from them without violating our duty whenever the opportunity to perform them presents itself. Rather, it is a deed that is done in accordance with the gracious will of God, (for it greatly advances)<sup>97</sup> the end for which God has created man, namely to strive for immortality by exercising virtue.

*What, in morals, is a cause per se, and what a cause per accidens*

- 128 So far, I have been occupied in (proving the principles that the learned Mr Hobbes either had taken for granted or deliberates on rather obscurely and only in a perfunctory and sparing manner, and now would be the time and place for passing on to the natural laws themselves, which Hobbes enumerated with admirable industry,\*<sup>98</sup> if I did not judge it beneficial to first relate some few things that shed light on what has been said and what is to be said below.

When I assert that the right to (this universe)<sup>99</sup> belongs to each individual in the primitive state, I always wish men themselves to be excepted, which must be carefully noted here. For God did not make man subject to man in the way that he placed the remaining creatures under the human race. Since the condition of all men is the same, and the right of man over

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<sup>95</sup> Inserted in 1680: 'seeing that we draw their origin from the law of self-preservation,'

<sup>96</sup> Inserted in 1680: 'above-mentioned'

<sup>97</sup> Replaced in 1680 by: 'and whose justness proceeds from the promise of a reward, for then it greatly advances'

<sup>98</sup> Replaced in 1680 by: 'elucidating that fundamental law which is self-preservation, demonstrating how that natural impulse and instinct, from which no one can separate himself, may lead us to a knowledge of the natural laws since they are the servants of our preservation, and it would now be the place for passing on to an enumeration of the natural laws,'

<sup>99</sup> Corrected in 1680.

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\* Hobbes, *De cive*, I, 3.

129 irrational creatures arises from the human condition, no man is born the slave of another, nor can anyone have the same right over a fellow man as he does over other creatures. Otherwise, God would have wished man to be at the same time a slave and a master.

You may say that although God did not make one man the slave of another by nature, He nevertheless did allow him to make and subjugate a slave, just as he subjugates wild animals. This is very true. I may enslave my fellow man, even kill him, if this is conducive to my affairs, just as a magistrate does daily. But this is clearly done by another right than that by which I subdue wild beasts and other animals. We do away with the natural liberty of men, and even with their very selves, not because we have a direct right over them, but because we have the right to enjoy and defend our own. If my enjoyment of them is impeded by my neighbour, I may remove that impediment in the same way in which he placed that  
130 impediment before me for the freer exercising of his own. For while I am employing my own right I am doing harm to no one, and so I inflict harm upon my neighbour by right, not because he has been naturally subjected to me but because it is proper for me to enjoy my rights and defend them, and the harm comes to my neighbour through a cause *per accidens* in the sphere of morals.

But it is clearly by another right that I exercise my dominion over other creatures, for I do not subjugate them in order to freely enjoy other things distinct from them without impediment. Rather, that subjection denotes the direct enjoyment of a master. Therefore, it is not only for the sake of the enjoyment of other things that I may use them, or in defence of my right to other things that I may lay claim to them. Instead, I make use of them according to the exercising of my right and dominion itself, and as  
995 often as I please.

Since, first, I may not harm my fellow man gratuitously, I may, secondly, not do it unless in the actual defence of my right and in removing an  
131 obstacle that he has placed before me. This is clearly for the same reason by which I have the right to remove a limb when it places an obstacle to the preservation of my other limbs. And it would be to speak improperly should someone say that from such necessity there arises in man some direct right over that limb. Rather, there arises the right of protecting another limb through the destruction of, for example, a limb infected with gangrene, just as there does not arise in me a right to the money of my neighbour if, in preserving my own, my neighbour's money is lost through the removal of an obstacle which the risk of losing my money created for me. Otherwise, I would be permitted to restore my loss with

the money of my neighbour, even if he had not ⟨put down⟩<sup>100</sup> an obstacle. For the creation of an obstacle does not give me a right to my neighbour's property, since he often places the obstacle by the same right as that by which I remove it.

- 132 One should rather speak as follows: I am not denied the defence of my own right even if it should harm my neighbour, and I may therefore kill my neighbour in defence of my own life. I may not, however, redeem my own with the life of a fellow man, or kill a man at the command of another so as not to perish myself, any more than I may cut off my neighbour's hand, other than by way of legitimate self-defence, in order to save mine. It is now clear how it follows from our principles that all things are permitted in an extreme case of necessity, that is, all those things that follow *per accidens* from the enjoyment and defence of our right.

- Now that these matters have been so clearly and distinctly explained, I should like to indicate in a few words the practical use of all of them. In this way, anyone may easily learn what order must be respected in the use of  
 133 creatures when applying the means of preserving a right, and which things are subordinate to which, as well as which things are placed next to each other with the same degree of dignity, so that one cannot be employed for the preservation or acquisition of the other. I believe that the entire matter can be comprehended in these few axioms: *Whatever by its nature is evil is prohibited with the utmost necessity; nor can any greater necessity arise during the present order and government of this world to which the former ought to yield.* Such are all those sins that are prohibited by natural laws. Thus, no necessity can come to bear whereby I may deny God and declare that He is not the creator of the world, does not exercise justice, and suchlike. Neither can such a difficult situation arise that one may commit  
 134 sins against the natural dignity of man or natural decency. For a similar reason, a man will never be permitted to hasten the end of his life without the expectation of some exceptional benefit from it. For, all these things being governed by natural law, it is impossible for their perpetration to be devoid of blame, owing to the reasons given above.

### *On the right of the magistrate*

From the above, it is now clear what rights we ought to yield up to the magistrate in matters of this kind. But since this question has always been

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<sup>100</sup> Corrected in 1680.



so much discussed and is of exceptional use in human affairs, (and many things have been said on the subject by the learned Mr Hobbes which are made use of by others to different ends,\* and so that at the same time I may declare how far I think that the footsteps of that excellent author are worthy of being followed, it will be worthwhile to spend a little more time on these matters.)<sup>101</sup> I begin by saying that I shall be discussing a magistrate possessing the right of sovereignty, it being of no consequence whether this is in the possession of one person or in the possession of a college  
 135 that represents a single person in proposing laws, or even whether the right of sovereignty is divided. For I believe that it can be divided and shared among many, because such a right does not reveal its efficacy in proportion to its being divided among different persons, but to the extent that it is believed with the unanimous consent of the different parties to reside in one college, society or person, and when the freedom of the populace, even in a democratic state in which each man has a vote, is as great as he who possesses the right of sovereignty wished it to be, whether this is one person or some college made up of many, or a stronger part of the populace which, prevailing in the number of votes, imposes the  
 136 law upon the minority. And we withhold from such a person, or college, or stronger part of the populace all those rights over the people that the people did not consider it necessary to cede to him or it, or were not able to, which amounts to the same thing, as will become clear from the following.

On the other hand, we have assigned to that same person, college, or multitude all such power as does not destroy our prior rights. In the first place, to these prior rights I refer natural religion, still subsisting in its first principles, which has been so deeply engraved in the minds of all men that never can such a degree of savageness seize hold of men's affections that reverence for the divine no longer holds the obedience of the largest part of the common people. For if, perhaps, a few are found who either deny the existence of every God or (disparage)<sup>102</sup> His wisdom and government of the world, which latter opinion vies with the former in its level of impiety, their small number does not prevent natural religion, considered according to its own principles and discoverable from a simple  
 137 conjecture, from remaining the fundamental law of government. For it is

<sup>101</sup> Replaced in 1680 by: 'it will be worthwhile to spend a little time on these matters.'

<sup>102</sup> Corrected in 1680.

\* It is not clear to what Van Velthuysen is referring here.

unlikely to happen that the majority would yield to the very few here, or would choose a king who disagreed in this particular. Much less would they wish him free to abolish all religion.

With respect to natural religion, the number of articles of faith can be investigated as follows. Whoever says that God exists and that He rules the world by providence must inevitably believe at the same time that God knows the inmost thoughts of men and examines their hearts; that nothing that is done on earth escapes Him; that at some time He will exercise His judgement and, moreover, that after this life there is a place for both joy and pain, since the torments or rewards earned by our deeds are not imposed on earth. And, thus, that God is not indifferent  
 138 to how men lead their lives; that prayers must be offered up to God to restore us to the favour of His will and deflect the evils we have earned; that God must be honoured with respect and reverence; that we must do nothing that may lead to His being dishonoured or despised. That we must therefore not be lacking in external worship by which we may give witness to the reverence owed to Him in the presence of men; that in that external worship nothing should be done or established that, either in itself or according to the custom of the nation in which that worship is celebrated, denotes anything offensive or indecent, etc., or anything similar. By this method, many other teachings may be deduced that have as close a connection with the first principles, and the knowledge of which is, so to say, born with us. With regard to such matters, it is my opinion that never has the freedom been granted to a prince to establish anything according to his pleasure.

I believe that the same must be stated with regard to sins that are  
 139 said to be committed against nature. Concerning sins that are committed with injury to a fellow man, however, the following judgement must be (pronounced:)<sup>103</sup> a magistrate cannot, except with the greatest wickedness, forgive or fail to hinder with the requisite diligence and application whichever are of such a kind that upon their commission, if they are dismissed unpunished or the licence to such sins is promulgated by law and the authority of the magistrate, the dissolution of society and a return to the primitive state will inevitably ensue.

And it is thence that there arises in the populace the right to divest an absolute prince of his power.\* For since the desire to avoid such calamities

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<sup>103</sup> Corrected in 1680.

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\* Unlike Hobbes, Van Velthuysen does not envisage a full transfer of subjects' rights

has induced the people to establish the prince, it would be absurd to teach that the people has yielded to the magistrate the power to dictate anything whatsoever in the matter. (Rather, he has been elevated to regal  
 140 dignity under such a contract)<sup>104</sup> as when someone who hires a horse for a journey is presumed to have demanded that such a one be given him as is not wholly unsuited to completing the journey, even though no mention is made of that condition. For a man of sound and vigorous mind who is believed to have entered a contract with another was surely intent on obtaining from the bargain that which gave cause and occasion for the contract. So, in setting up a king and subjecting themselves to his government, the people could not have been granting the king such absolute power that, from his right of election to regal dignity, he should  
 997 consider as permitted to him such things as instantly dissolve the state of the commonwealth.

But it is not to be feared that a king will ever arrive at such insanity that he would command such things or promise impunity for such crimes by public edict, since they entail a manifest subversion of the state. Nor  
 141 does one read in any histories that any such thing has been done by any king. And it is therefore rightly asserted that there is a right of sovereignty in any society subject to the dominion of nobody; that in the right of sovereignty is contained the highest right, and that the sovereign is not obliged to account for his deeds to anyone but God, and that however he may exercise his power, or however much he may oppress his subjects with harsh laws, no injury is done to them as a result, any more than a man who keeps a slave under harsh conditions of servitude rules unjustly over him, or a father abuses his paternal power with injury to his son if he lowers his son to the condition of a slave, even though such things are seldom done without impiety. But more about these things later.

The things that, if allowed without punishment or if done by the king himself, immediately subvert the state of the commonwealth are of the following kind. Not to wish to lay down the law to the people, either himself or through a subordinate magistrate, but to grant anyone the  
 142 licence and impunity to do anything, and as a result to grant permission for the plundering of private property, adulteries, debaucheries, murders,

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<sup>104</sup> Replaced in 1680 by: 'It is just'

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to the sovereign, and maintains the legitimacy of the right to resistance in the case of a tyrannical government. For Hobbes, peace could only be guaranteed if the people renounced their right to resist (Hobbes, *De cive*, V, 11).

injuries, and whatever things are of such a kind as the populace has united into one society and one realm for the purpose of avoiding. For in entering upon society and conferring dominion upon someone in order that men might rid themselves of the inconveniences recounted above, they desired to give effect by means of a conjoined power to what they were unequal to as individuals.

As far as the Christian religion is concerned, matters must be treated a little differently. For we must consider what that religion was when the dominion was formed, or at least on which articles all the subjects agreed when the Christian religion was proclaimed to the nation or people. In those articles, whether true or false, the people or prince may alter nothing in such a way that those who fundamentally depart from the ancestral  
 143 religion can compel the people to believe in any articles by means of penal laws. Neither can nor should the majority of the people, when they embrace any new religion, force the prince or the rest of the populace to allow the public profession of that worship which has freshly enthused the minds of the citizens, since the subjects' newly formed judgement concerning religion ought not to be to the detriment of the rest. No more can the majority of the populace, if it is not happy with the present regime, introduce by right a new form of government without the consent of the rest of the populace or the king. For once dominion has been conferred on the king it is no longer subject to anyone but the king. And when the people came together under one rule they entered a mutual agreement to no longer act according to private judgement.

144 Nor does it matter how great is the number that aspires to the new form of government, nor of what condition those persons are, because in founding and establishing dominion they were all of the same rank and station, no one subject to another, and the many did not have the right to prescribe law to the few. Therefore, in an already founded dominion, the rights of individuals should be considered no differently in dissolving the government than they were in setting it up. Thus, if anyone goes over to a new religion and rites, though they be the truest, the king, or the college that possesses the right of sovereignty, is not abusing his power if he prohibits such worship and restrains its practitioners with punishments should he judge this beneficial to the safety of his kingdom.<sup>105</sup> For the same reason serves here as that which removed from king or subjects

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<sup>105</sup> Inserted in 1680: 'and the king is persuaded that the rites that he honours are legitimate and have been established by the command of God'

the freedom to make changes in natural religion. Then, since it is clear  
 145 to all that it would be most unjust for anyone to expect that a fellow  
 man ought to desist from his conceived opinion because it is outvoted  
 by the majority, for one would have had to condemn the religion of the  
 Reformers, who are outnumbered by the multitude of Papists, neither can  
 anyone be in doubt that the king, or the rest of the populace, should not  
 depart from the first form of government or the original faith because of 998  
 the new opinion of certain men.

Matters, however, that differ from the former in nature (and lie under  
 the direction of a magistrate)<sup>106</sup> are of two kinds. Some of them exhibit  
 manifest tyranny, others lack this mark and can be consistent with justice,  
 even though they often depart from it. With respect to the former, the  
 subjects have been left a freedom of judgement to the extent that one  
 may, without violating the sovereignty of the realm or being accused of sin,  
 say that such things are done impiously, tyrannically and contrary to the  
 146 duty of a good king. Nor does one have to keep that judgement concealed,  
 but, through a magistrate below the king, one can remind the king of his  
 duty, initiate a complaint against him concerning the matter, and humbly  
 entreat and implore that he not abuse his power. If all these things have  
 been tried to no effect, and the king, indulging his desire, does not refrain  
 from tyrannical rule, he can be forced into line by his subjects by force of  
 arms. And if he does not wish to stoop to just terms and agreements, they  
 can banish the king from his realm and power.<sup>107</sup>

Things that breathe manifest tyranny and display it on all sides are  
 all of the following kind: if the prince exhausts the wealth of his people  
 through tributes and taxes when there is no pressing need; if he unjustly  
 does violence against the lives of many men; if he violates the chastity of  
 married women; if he deflowers virgins; if he takes away the rights and  
 147 privileges of the citizens without any reason;<sup>108</sup> if he withholds honours  
 from good and proven men, or strips them of those conferred; if he heaps  
 the greatest gifts and riches upon corrupt and profligate men and those  
 generally renowned for every vice. When these things are so evident that  
 nobody can be unaware of them, then the subjects are doing nothing

<sup>106</sup> Replaced in 1680 by: 'and thus are subject to the direction of a magistrate, so that their administration is not entrusted absolutely to the king and so that, and to that degree, the absolute power of the king is diminished,'

<sup>107</sup> Inserted in 1680: 'because such a king has been bound by contracts and is restricted by them to the same degree as the citizens'

<sup>108</sup> Inserted in 1680: 'or without the greatest necessity'

beyond what is right and just if they declare their judgement concerning the king's deeds and endeavour by whatever means to place limits on the king's licence.

I am speaking, however, of a king or magistrate who has been raised to regal dignity by the free will of the populace and owes it to the same populace to maintain the accepted regal dignity even to his last descendants, or of one who has formerly acquired a particular kingdom by arms or other right but who afterwards has been compelled by his subjects to govern the kingdom under contract and certain laws. Of other kings who have obtained a kingdom for themselves by arms, or who exercise command  
 148 by hereditary paternal right, it is rightly asserted that they rule subject to no one and that they may do whatever they please. Nor can any injury be done to the subjects by such a prince, and therefore there can be no underlying justice in a rebellion of such subjects, any more than a son has the right to flee paternal authority or a slave may threaten his master with death because of the harsh conditions of his servitude. For one must grant to such kings all that they did not by necessity have to yield to the subdued and conquered people.

Nobody doubts, however, that this most absolute power, such as is discerned in paternal authority or that of a master, can be consistent with the right of kingship. Nor does it create any problem if such a sovereign, at his inauguration or on other occasions, promises his subjects something out of clemency and kindness<sup>109</sup> by which his power must be said not  
 149 to be the highest and most absolute, since such bargaining never places limits on a person. Rather, the prince either commands his subjects by such words to expect all things just and good from him, or only makes his grant in such a way that he can claim back his gifts whenever he pleases or judges that he no longer gains an advantage from it, just as he raises some leader to public honours and later reduces him to the level of a private citizen if he considers it conducive to his affairs.

I might say the same about privileges and immunities conceded to households and cities, whatever the manner, whether by merit or for money, in which those who obtained the benefit might have procured the good-will of the king.)<sup>110</sup> For then, by means of rewards and promises, the king inflames the minds of his subjects towards some great deed which  
 999 he could have forced them to do by his authority, (and which authority

<sup>109</sup> Inserted in 1680: 'and not as the result of a contract,'

<sup>110</sup> Replaced in 1680 by: 'out of generosity.'

he certainly does not consider to be taken from him if he bestows such)<sup>111</sup>  
 150 immunities on households or cities. For truly, he would be a king with  
 little skill in his own affairs who would at such a high price procure  
 certain duties of the citizens to which they were already bound and to  
 which he could have forced them had he been so minded. What father or  
 master, when granting some liberties to a son or slave for a ⟨faithfully⟩<sup>112</sup>  
 discharged service, considers himself unable to employ them in humble  
 duties if he shall deem it to his advantage to do so?

It would not even be the case in less absolute dominions, for if some  
 or other supreme magistrate under whom the soldiers and generals have  
 been placed to prepare for war, in return for money, does not pay their  
 wages at the appointed time, he does not consider himself to act unjustly  
 if, by means of punishments, he draws back to obedience the soldiers  
 who are mutinying and deserting his standards. With even less fear of  
 infamy does he revoke the immunities granted. Moreover, it is clear that  
 151 the magistrate does not act unjustly in punishing the soldiers, because  
 in a case of necessity the efforts of the general and soldiers<sup>113</sup> could be  
 employed without promise of remuneration, and a later contract does  
 not destroy the former. Thus, the generals and soldiers should at the time  
 reflect that the greatest necessity is at hand, which is why the magistrate  
 cannot pay the promised wages. If these considerations are applied to  
 privileges and immunities, the matter will be clear.

⟨Someone may ask: What interest do the subjects have in offering  
 themselves voluntarily for certain exceptional deeds, which they were  
 not bound to perform by the common law of subjects, in the hope of  
 immunities and privileges, if the prince is able, whenever he pleases, to

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<sup>111</sup> Replaced in 1680 by: 'but he does not wish to employ that highest right because it is not conducive to his affairs, and because he judges that his dominion will be more stable if he inspires his subjects to undergo dangers for the common safety not by fear but by kindnesses. And therefore a king who has his hands full of his own affairs, unless in a case of extreme necessity and the reason for which can be clearly seen by all subjects, does not snatch away the immunities granted to the people lest, when once again he has need of the most vigorous exertion of the people, he calls in vain upon their support beyond the common bounds. And for that reason a people enticed by reward and immunities will not refuse to fulfil a more than common service for the prince, however much it is in the power of the king to hold all subjects and cities by that same right, because a king who looks out for himself does not lightly employ that highest right, and frustrating the aspirations of the citizens he will rule them to no effect. And so (to return to the purpose) this remains fixed and constant, that the right of an absolute king is not diminished even if he lays himself under an obligation to the people by promises and he bestows'

<sup>112</sup> Corrected in 1680.

<sup>113</sup> Inserted in 1680: '(especially of those who are under his authority)'

retract his promises and make a nonsense of the citizens' expectations? The citizens, in fact, gain a great deal of benefit from it, for it is unlikely that even the most arrogant king will not keep his word for a trifling reason, since he knows that his subjects are not easily deceived twice, and that always to employ the highest and extreme right is to make his reign short-lived, and to wait in vain for willing services from subjects who do not undertake them of their own accord. And this is the reason why, at their inauguration, the most absolute kings promise all things magnificent to the people, for while they possess the good-will of the citizens they can also easily promise themselves secure dominion. If, however, they lack it, they foresee that everything will be unstable and in flux.)<sup>114</sup>

Let these words suffice on the subject of a most absolute sovereign.<sup>115</sup> Many, however, consider the same right to apply to kings elected and raised to the monarchy by a free vote of the people, for they judge that it cannot be consistent with the nature of monarchy for the right to judge the deeds of the sovereign to be yielded to a subordinate magistrate or the people after the power to rule has been conferred on a person or college. But I am wholly of the opposite opinion. For why did the people yield up to the king anything that it was not necessary to grant? What, I pray, was the necessity of forbidding oneself the licence to judge such things as even the most inexperienced person may judge can only tend towards disaster and increasing misery for the people?

I know that some think that the subjects cannot know with certainty whether or not such crimes are committed by the king, because he believes that he cannot otherwise safeguard his dignity and power. And since there are many secrets of state that are hidden from the people and that on first appearance seem unjust, but later, when the matter is understood, are freed from that charge, they even consider it to be the duty of the people to hold the person of the king sacred, so that they ought to banish from their minds every judgement concerning the king's iniquity. By the same right, however, it would be inadmissible for a private individual to judge his neighbour's vices and to lead him back to sound mind by means of admonishments and exhortations, if, for example, he is a spendthrift or a drunkard, because, of course, we do not know whether some great

<sup>114</sup> Deleted in 1680.

<sup>115</sup> Inserted in 1680: '(and one who in granting many immunities and privileges to the citizens and subjects does not descend to an agreement with his subjects, for whenever the highest magistrate grants the subjects those things which diminish sovereignty and supreme right, he ceases to be supreme and absolute)'



necessity does not incline him to do those things, which in such a case 1000  
deserve forgiveness.<sup>116</sup>

I now proceed to other things that are usually done by a magistrate, or that he commands, and are of such a kind that, even though it can sometimes happen that they are associated with injustice, they are nevertheless too secret to lie open to the judgement of just anyone. And concerning matters of this kind, only two courses of action have been left to the private individual. Either not to proceed to an investigation of whether or not the matter is just, but to charitably judge that it has been justly commanded by the magistrate. (Thus, it is not required of a private citizen that he investigate whether the cause of a war is just or otherwise, nor is it necessary for an executioner to inform himself of the justice or fairness  
155 of the punishment to be inflicted on a criminal, nor a public servant of the justness of a decision brought against a citizen, nor that the rest of the ministers become acquainted with the justness of individual acts, just as in the Christian religion many things are believed implicitly.) Or, if the subject applies his mind to a knowledge of the justice or injustice of an act or law, or if he cannot avoid either approving of or detesting an act according to his own judgement, that judgement ought to be only theoretical and not brought into practice,<sup>117</sup> nor should he refuse obedience to the magistrate or persuade others not to obey.

Yet, you will say, the subject will as a consequence do something against his conscience, which is universally condemned. I would deny, however, that someone who is an accomplice to things he considers to be done unjustly always acts against his conscience. Nor is he stained with  
156 another's sin who contributes towards its accomplishment. The servant who, at the command of a lustful master, obtains a supply of money that he knows will afterwards disappear in the most wicked manner is free from sin. Whenever in an assembly the magistracy deliberates on some matter about which something had been decreed according to what pleased the majority of voters, the rest who were of different opinion from the others are also bound to use their power, industry and authority to put into effect what in their private judgement they believe to be

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<sup>116</sup> Inserted in 1680: 'But all replies boil down to this: from the form of government it is clear that the people did not wish to entrust all things relating to the well-being of society to the decision of one king, but has withheld a part of them for its own management and administration, so that it is important to the people that the sovereignty of the king does not grow to such an extent that he considers himself to be above the laws.'

<sup>117</sup> Inserted in 1680: '(lest he elicit a dangerous imitation of his example)'

unjust. Skilled workers who have hired out their labour to others should comply in all things with the man to whom they have pledged their work, even though they know that many things will occur to the detriment of him who is giving the orders. When the Apostle Paul is exhorting the faithful to be of the same mind one towards the other, not to think too highly of themselves and not to judge themselves above their brothers,\* what else does he command than that in matters about which  
 157 there is controversy they show themselves to be accommodating and yield something to the judgement of others, and that by tacit agreement they win authority for the opinions and teachings from which they dissented in their private judgement? Otherwise, the Apostle would have been exhorting the faithful to what was impossible for them to achieve. For it is given to nobody to be able to change his opinion whenever he pleases.

Furthermore, if any private citizen, after the right of sovereignty has been transferred, may still stand by his own judgement, then he has not subordinated his judgement to the judgement of the magistrate. If you say that he has submitted in matters regarding the government of the commonwealth and secrets of state, then what if the individual is endowed with so much wisdom that he is even able to penetrate those secrets and so decide that the magistrate is doing many things unjustly? Will he not be bound to obedience? And will it be his duty, because of  
 158 the charity he owes them, to warn individuals not to lend their efforts to the magistrate in some unjust matter? In fact, all these things will have to be said as a result of the opinion of such men, and while in appearance the government seems to have been consigned to the magistrate, in reality it will nonetheless be in the hands of the populace and, indeed, of those who are held in high regard by the common people, such as generally are those who minister to them in spiritual matters.

If they say that no ill consequences thence befall the magistrate because the common people may not resist, and they are only urging forbearance, then what if the magistrate should stand in need of the assistance of his subjects? What if he requires their money, for instance, in preparing an army for a war that the common people judge to be an improper and unjust undertaking? How can such an opinion conceived in the minds of the subjects not significantly weaken the power of the 1001

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\* Romans 12.

magistrate? And, in such cases, not to want to obey is certainly to resist. For  
 159 example, the magistrate orders the people to take up arms; another man,  
 who does not approve of the war, urges them to abstain from fighting and  
 that they cannot be pushed into it without doing hurt to their consciences.  
 If he is held in high esteem by the people, he is surely resisting the  
 magistrate more than if he were to lead a great armed body of citizens  
 into war against the commonwealth.

Thus, it seems to me that one can conceive of nothing more unjust  
 than the impudence of men who, if the magistrate does something of  
 which their judgement disapproves, at once accuse him of disgraceful  
 acts and at every opportunity expose his deeds to ridicule. I consider this  
 inadmissible in a private individual, even if the actions of the magistrate  
 are attended with manifest injustice, for it can only result in the sacred  
 majesty of kings and the magistracy becoming worthless in the eyes of the  
 160 people. For how shall the populace hold that person or college in esteem  
 and bestow the good-will owed to them when on every occasion they are  
 held up as so very unjust as to not fulfil their duty? Never will a man be  
 able to command himself to be well disposed towards such as perform  
 disgraceful acts. Nor do I believe that the majesty of governors is only  
 diminished when they are assailed with reproaches and calumnies, but  
 also when they are merely accused of sin in the presence of many people  
 or, if in secret, it is not done submissively. Clearly, this is the same as how  
 the sacred person of a father is dishonoured if his son should reprimand  
 his actions in public or sharply rebuke them in private, or receive them  
 with laughter and contempt.

The second axiom is: *Whatever by its nature is so evil that it can never  
 become good can follow on per accidens from the enjoyment or defence of*  
 161 *my right without the stain of sin, and I am not obliged on that account to*  
*refrain from the enjoyment of my right.* Any sin is said to follow on from  
 another free act *per accidens* when, from the use of a thing to which I have  
 a right, there follows some effect to the producing of which, outside of  
 any use of the thing, I would not have a right. A cause *per se* in a moral  
 sense is whatever is apt to produce something by true causality and an  
 actual flowing into the effect, (even)<sup>118</sup> outside of the use of the thing to  
 which we have a right. And whoever commits an act of sin in the latter  
 manner always sins; but a man who (commits)<sup>119</sup> anything in the former

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<sup>118</sup> Corrected in 1680.

<sup>119</sup> Corrected in 1680.

manner, which had it been committed outside such circumstances would have been a most serious sin, allows such an effect to occur without the stain of sin.

I shall illustrate the matter by examples. (A man who wanted to kill  
 162 someone, but whose attempt comes to nothing, is not guilty of murder, since the true cause and real influence was not yet present in the effect.)<sup>120</sup>  
 A man who is led away to capital punishment, even though he walks forward, conveys himself to the place of punishment and mounts the steps, or bends his knees if he is to be beheaded, does not become the cause of his own death, because none of those things which he does produces the effect that carries death as its consequence. Thus, those who shorten their lives by drinking too frequently should not be called self-murderers, nor those who wear away their lives with hard work, or exercise trades that greatly weaken their strength and vital faculties, nor should one who throws himself into danger of his life, because all those men do none of the things that directly result in death, the remaining effects flowing from and being dependent on the will of another man, and no act is committed by them that does not require still another, which will be  
 163 the cause of death, to be called forth by free will.<sup>121</sup> And only then does the axiom, that what is the cause of the cause is also the cause of the effect, have a place in morals.

On the other hand, a man who is accused of a crime is obliged (I am speaking of a case in which he cannot justly forsake his own life) to  
 1002 produce all the things that can prove his innocence, because if he were to suppress them his silence would be the true moral cause and cause *per se* by which the judge would pronounce sentence of death, and the carrying out of that sentence the cause of death. For morally these things are connected in such a way that the initial silence, through moral causality, extends its efficacy even to his death. Thus, neither is it permitted to run a sword through one's guts, nor to drink poison, since the taking of poison results in such an effect as by ⟨true⟩<sup>122</sup> causality will lead to death and  
 164 which effect I cannot prevent by a new act of will. Nor will it be permitted to throw oneself headlong from a ladder, assuming, of course, that killing oneself is unlawful. Nor, finally, is it permitted to do anything whatever that directly results in either death or an effect of such a kind that it

<sup>120</sup> Deleted in 1680.

<sup>121</sup> Inserted in 1680: '(which I wish to be noted)'

<sup>122</sup> Corrected in 1680.

inevitably causes death.<sup>123</sup> And it does not alter the nature of the moral cause in this matter if, perhaps, you did not at first intend your own death but that of an enemy, so long as it was clear that your destruction could not have been separated from the death of the other, since that intention does not destroy the nature (of the moral cause.)<sup>124</sup>

And since I have the right to protect my health and the soundness of my body, whatever follows an action that by its nature is subordinate to such preservation, and<sup>125</sup> by means of a true moral cause is efficacious in producing an effect appropriate to preservation, I allow to follow my action without the stain of sin. For that reason I shall be permitted to use  
 165 a drugged potion to restore my damaged health, even though I know that mental aberration and intoxication will follow, and I shall be allowed to receive a clyster even though it is known that it will result in the spilling of seed. Thus, I will be allowed (to occasionally force a miscarriage if such an abortion follows on from the use of a remedy, just as also)<sup>126</sup> to kill an innocent neighbour if his death follows on *per accidens* in a moral sense from the employment of my right, which I add, for even though the death of the neighbour be by means of a physical cause *per se*, he is not therefore to be called a murderer in a moral sense who has assumed the role of a cause *per accidens*.

*Evil moral dispositions cannot be justly punished*

From the axioms laid down above, it is equally clear why moral dispositions which we commonly call evil are in reality not sins nor worthy of punishment if considered in themselves, for they do not arrive at a morally  
 166 evil effect by any moral causality, so long as, that is to say, they remain inclinations or dispositions.\* And if they do place an obstacle to virtue, they do so by means of an act that a man calls forth from the will, which willing is then the cause of moral vice. To wish to propose another, superior moral cause of the will is to destroy the nature of the will and to turn an act that was chosen into an act that was compelled, as well as to attribute to

<sup>123</sup> Inserted in 1680: '(with no new act of will intervening)'

<sup>124</sup> Corrected in 1680.

<sup>125</sup> Inserted in 1680: 'to which action I have a right from the law of self-preservation, and which action'

<sup>126</sup> Deleted in 1680.

\* On this subject, see also [Van Velthuysen], *Specimen refutationis*, pp. 104–115.

the disposition a practical efficacy of operating in the absence of an operation. For it operates only through the will, and before the elicited act of the will nothing has been able to operate morally, since the morality of the act proceeds from the will; (indeed, before the act of will it is only a physical thing, or a physical mode of the soul.)<sup>127</sup> When, however, the soul operates evilly through the will, then as a result of the act it ceases to be a disposition. Thus, it may be clearly seen that the efficacy by which evil dis-

167 positions incline the soul to act evilly is very different from that by which, for example, obscene words and lewd talk instill lust into the minds of the listeners. For the lewd talk operates prior to the will of him who hears it, even though the effect may not always follow, just as the blow of a hammer on an anvil is called a motive force even though it does not break the anvil into pieces.

That we are wont to hate evil dispositions and detest them, however, and to keep evil men as far away as possible from the commonwealth, is not because of the dispositions considered in themselves, but, first, owing to the evil deeds by which a man has contracted that disposition (and, on that account, we generally hate infirmities both of the mind and of the body in those who have contracted them voluntarily, when if present in a man through no fault of his own they lead us to compassion), and,

168 secondly, owing to the actions to which men imbued with such evil dispositions are generally prone, so that we justly do not wish to have dealings with such men from whom so much danger threatens us or who, whenever the opportunity is presented, are going to do those things to which their thoughts have been directed.

1003

From this we deduce a new argument: that evil dispositions, to the extent that they denote an inclination of the soul, and considered separately from their acts, are not evil through moral wickedness, that is, worthy of punishment. For whatever we are accustomed to fear, hate, prohibit from being done and prevent by every means from occurring is not yet evil, but becomes evil if we do not stop its onset. For a man who fears evil to himself is not yet combating that evil, and if he is not yet combating it, it does not yet occasion harm. And if it does not occasion harm it does not yet assume the nature of evil properly speaking, even though it may be so called according to the natural order and the disposition it has to do harm.

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<sup>127</sup> Deleted in 1680.

169 Yet, you will say, that evil disposition in the soul is a disease of the soul, just as an imbalanced temperament or a deformity is a disease of the body, even though often it may not in practice impede a man's natural functions because he is not using that limb at the time; nevertheless, if he wishes to use it, he of necessity reveals diminished and distorted movements.

I reply that certainly it cannot be denied that evil moral dispositions are in that sense diseases of the soul and something bad that ought not to be inside, but strictly speaking they are not moral evils that can be avenged by punishment, any more than any other disease contracted of one's own will. How absurd it would be to threaten with punishment a man who has broken his leg, when he has already carried out the punishment through the free act of will by which he caused himself such harm! We are, indeed,  
 170 accustomed to say that the man who has injured his leg is worthy of punishment because he has willingly acquired that disability, but by that manner of speaking we indicate that the man is worthy of punishment not because he has injured his leg, but because he has been the cause of the injury. And so, for a similar reason, we say that dispositions are evil because they have been willingly contracted, and we call them evil in relation to the sinful act by which they have been contracted. Thus, firstly, a man is worthy of punishment on account of evil dispositions because they have been contracted voluntarily. Secondly, on account of those dispositions he is deservedly excluded from the grace of God, just as a criminal is thrown out of the commonwealth on account of his evil dispositions. And that enmity has as its object those vicious inclinations to the extent that they are dispositions, yet with reference to the actions which they are by nature apt to bring forth. And now that these things have  
 171 been thus explained, I do not see what is blameworthy in the opinion that teaches that evil dispositions, considered in themselves, should be judged to be not worthy of punishment, and therefore, properly speaking, not morally evil. Just as neither, strictly speaking, can good dispositions and inclinations, by which the soul is adorned, come by the name of virtue. Rather, the acts by which those dispositions are acquired deserve that name.

But, you will say, God wishes us to be imbued with those good dispositions and free from bad ones. Therefore, to lack the former but abound in the latter is a sin. I reply that it is not because we are destitute of good yet imbued with evil that we are transgressors against the law of God, but because we are the cause whereby we are not endowed with the qualities that He wishes to be present in us. This is clear from the fact that otherwise God would require of us what it is impossible for man to achieve. And

172 I am speaking of a physical impossibility. For it far exceeds the powers of man to instantly grace the soul with good dispositions and free it from bad ones, no less than it is physically impossible for a man to touch the heavens with his hand or to move the earth from its place, for good dispositions are not acquired except by repeated actions and vicious ones are expelled by contrary actions frequently repeated. And to urgently demand such an impossible thing from man by law is not the act of a wise ruler, because what is requested of man implies an obvious contradiction of the kind that every physical impossibility is wont to imply.

It is necessary, however, to distinguish between what is called impossible in a physical sense and what is assigned such a name in morals. The latter places no impediment exceeding the will's efficacy of action, but the entire impossibility originates from the will itself. The former does lay  
1004  
173 down an obstacle that constrains the will itself from bursting into action. Of the latter kind, we call it impossible, for instance, that all men should come together in one mind to gratuitously spread a lie among the common people, or for all the citizens of one state to want to do violence to themselves. Supporting ourselves on these foundations, we say that it is impossible for it not to be true that Julius Caesar or the Jewish nation existed, that today a war is being waged between the French and Spanish kings,\* that Christ came into the world, and that the Apostles proclaimed the Gospel to the nations. Finally, upon this infallible certitude rest *<all>*<sup>128</sup> the arguments drawn from reason by which we endeavour to persuade the unbelieving of the authority of Holy Scripture. In all these things, no one finds such a contradiction as we say there is if someone claims that  
174 two times three is eight, but it is nevertheless morally impossible for those things not *<to exist>*<sup>129</sup> and not to be of the most certain truth. For if they were only to contain probability in themselves, nobody would be bound to exercise firm and certain faith in them, but who will deny that it is the duty of each and every man to exhibit faith in the arguments by which we prove the authority of Scripture?

Thus, I assert that a legislator cannot prescribe a law to his people if its observance implies a physical contradiction. He can, however, command obedience to those which contain a moral impossibility. For he is

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<sup>128</sup> Replaced in 1680 by: 'many of'

<sup>129</sup> Corrected in 1680.

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\* The war between France and Spain continued after the Peace of Westphalia in 1648, only ending in 1659.



commanding nothing contrary to the freedom of the will, the entire difficulty of complying having its origin in the will itself. (Thus,)<sup>130</sup> just as none finds it impossible to freely conceive a falsehood, (and if for none,)<sup>131</sup> then it is not impossible for the entire populace, it is nevertheless certain that the entire populace is not going to do it. For a similar reason, anyone is  
 175 at liberty to tell the truth, and therefore so is the entire multitude of citizens, yet it is most certain that there will never be a commonwealth so blessed that every single citizen is going to refrain from falsehood. Nevertheless, that impossibility does not do away with the liberty of individuals and does not excuse them from sin. Thus, we say that the fulfilling of a law is impossible, (but not that that impossibility leads to the freedom of the will being diminished,)<sup>132</sup> for it is as impossible for each individual man to comply with the will of God in all things as it is for the populace to be free from all falsehood. And (a man)<sup>133</sup> can as much be on his guard against each and every sinful act as each and every citizen can keep himself undefiled by falsehood, which nevertheless will never happen. But whoever  
 176 imagines another impossibility in the fulfilment of the law, even after the Fall, and one that implies a physical impossibility, subverts the entire worship of God as a result of a necessary consequence.

This is also why it is most unsuitable when some use the simile of a debtor who is unable to pay yet whom the creditor justly and by right presses for payment of the debts. For while the creditor is demanding that he be satisfied, the debt does not increase, nor in demanding that the money be made over by the debtor does the creditor assume the character of a ruler who urges and directs a subject by law to discharge an obligation, all of which obtain in laws that are justly prescribed, even if a subject cannot maintain total obedience to them. But, in the same way that a creditor can justly reproach a debtor for having suffered loss at his hands, so God justly reproaches man for his evil dispositions, although He cannot justly command that we immediately divest ourselves of them,  
 177 (just as)<sup>134</sup> I cannot justly demand of an infirm and ill man that he

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<sup>130</sup> Corrected in 1680.

<sup>131</sup> Deleted in 1680.

<sup>132</sup> Replaced in 1680 by: 'but we do not state that that impossibility destroys the freedom of the will'

<sup>133</sup> Corrected in 1680.

<sup>134</sup> Replaced in 1680 by: 'although God may by right command and require of men that they do not contaminate themselves with any sin, because the sin does not actually spring from a vicious disposition by a physical necessity, but by a moral one, that is, when a new act of will intervenes. Thus,'

immediately regain perfect health, though I can reproach him for his illness if he has been its cause, and urgently demand from him such actions and observances as are suitable to recovering health, and punish him if he deserts his duty in this respect. ⟨I have⟩<sup>135</sup> lingered longer over these matters in order to free this opinion from the error and misrepresentations of certain men to the effect that it contained something that ⟨would not square⟩<sup>136</sup> with the profession of the Reformed Churches. 1005

*How the degrees of sin are investigated*

The third axiom is: *Those sins are greater than the others that most distance us from the end and lead us astray.* In consequence of this rule, it is a greater sin to deny God than to deny Him certain attributes. Again, among denials of attributes, he will sin more gravely who ⟨denies⟩<sup>137</sup> God's leadership and government of the world than he who denies His omniscience and  
 178 omnipresence, etc. Thus, a man who asserts that God is unjust will be in the grip of a greater sin than one who teaches that something happens to God that does not please Him, since the former subverts His government by its immediate consequence while such disadvantages do not attend the latter. By the same token, a man will sin more gravely who defiles himself through sodomy than one who does so through fornication, just as he makes himself guilty of a greater sin in venting his anger and revenge on an innocent man than in becoming angry to no purpose. Fornication surpasses drunkenness in wickedness since ⟨the entire disorder lies in the very act of fornication,⟩<sup>138</sup> whereas drunkenness only takes hold of a man through repeated acts and does not ensue from single acts of drinking, just as death does not ensue from drinking large amounts, even though, if this  
 179 is continually repeated, little by little it consumes the vital spirit. Thus, if someone should nevertheless treat himself more liberally to drink with the purpose of unseating his reason and intellect, and exert himself to it, he certainly makes himself guilty of no lesser a sin than a man who defiles himself through fornication.

<sup>135</sup> Corrected in 1680.

<sup>136</sup> Replaced in 1680 by: 'would less agree and be consistent'

<sup>137</sup> Corrected in 1680.

<sup>138</sup> Replaced in 1680 by: 'the entire sin is completed in the very act of fornication and something is perpetrated against the dignity of man,'

It will be much easier to direct our judgement to determining the seriousness of sins that are opposed to the preservation of life. Murder is a graver sin than theft, because murder, considered in itself, inflicts a greater disaster on the commonwealth than theft. Again, theft is a greater sin than lying. Sins that are of such a kind as to be equally damaging to society also exist on the same level of moral wickedness. Acts, however, that are not evil according to natural law but become so owing to circumstances, whether they are prohibited by a magistrate or left to the judgement of  
 180 individuals, partake so much the more or less in moral wickedness in proportion to how much the acts disturb the peace of society and its well-being *by their nature* and by true moral causality. I add 'by their nature and by true moral causality' because there are trifling sins which sometimes result *per accidens* in the greatest disasters, and there are most serious ones that *per accidens* occasion no harm to the commonwealth. A man who is keeping watch for the army and is overcome by sleep, and in that manner furnishes an opportunity to the enemy for bringing about a great slaughter, commits a lesser sin than one who by a determined stratagem plots the destruction of the army, even though the treachery be frustrated in its execution.<sup>139</sup>

*How the punishments appropriate to crimes should be investigated*

Once the gravity of sins is known, it cannot long remain hidden what punishment is owing to each. For, since the right of punishment derives from the same principles as those to which the natural laws owe their  
 181 origin, so penal law, which is directed towards establishing the authority and observance of the laws, will have to be made stronger according to how necessary is the observance of any natural law. I say that penal law, or the threat of punishment, must be strengthened or relaxed according to that rule, but not always the punishment itself, for in many cases I may justly threaten a punishment which it would nevertheless be improper and unjust to carry out, and the threat of punishment is increased in many cases in which the actual inflicting of the punishments does not admit of the same increment if the magistrate is not to overstep the laws of clemency and justice. For often, in cases where it is necessary to propose a law with a threat of punishment, there does not exist the same necessity of

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<sup>139</sup> Inserted in 1680: 'to the extent, I say, that the evaluation of vice and sin is made from the harm with which, by its nature, it has been found apt to afflict the human race'

182 carrying out that threat. There is a just reason why murder is prohibited 1006  
 under threat of capital punishment, but often there is a juster reason  
 why capital punishment cannot be employed against a murderer—for  
 instance, if the death of that person may result in the destruction of the  
 commonwealth. Moreover, even if such a danger is often not present, if,  
 for example, a king has consigned a good man to death contrary to right  
 and justice, his deed is worthy of capital punishment yet one may not  
 proceed to the execution of the punishment, since the principal dignity  
 of a king consists in the fact that one may not punish such crimes in a  
 prince<sup>140</sup> as private citizens atone for with severe penalties, unless one is  
 of the opinion that it is as just to humble a prince at once for his sins as  
 it is to restrain the wickedness of a private citizen by means of prison and  
 punishment. But how then should one also obey unjust princes according  
 to the precept of divine law?<sup>141</sup>

183 Besides, how true it is that a magistrate often has the right to pass a law  
 with a threat of punishment without having the right to order the carrying  
 out of the penalty is clear from the following, that the law always has its  
 benefit in endeavouring to deter men from evil and sin. Thus, whenever  
 the magistrate fears some harm from the actions of the citizens, he rightly  
 prohibits such a thing because that law has a use and benefit. It often  
 happens, however, that the punishment of such harm does not have an  
 honest use and purpose if no benefit to society results from it. When,  
 for example, a law is passed against some vice which, through human  
 weakness, one may hardly avoid, in such a case the passing of the law is  
 just, for it is done to implant greater prudence in men through fear, and the  
 way is paved to the actual inflicting of the punishment if they often and  
 repeatedly fall into the same sin and if it is feared that the weakness be  
 184 transformed into a disposition. No benefit is acquired, however, through  
 inflicting punishment for a single transgression of such a law.

When one is discussing punishment, therefore, one should carefully  
 distinguish between the punishment itself and the carrying out of the  
 punishment. There is no doubt that just as nothing can be prohibited  
 by law without at the same time a penalty needing to be added to the  
 law, so all sins deserve punishment. And just as not all sins deviate from

<sup>140</sup> Inserted in 1680: 'at once'

<sup>141</sup> Inserted in 1680: 'And I therefore have to condemn the practice of those who, as soon as something is thought to have been enacted by the magistrate which seems to them to deviate from right and justice, are inflamed with zeal against the magistrate and so deport themselves as if they wish to bring an action against him.'

the straight in equal measure, so also God and judges establish different grades of punishment for individual sins according to the difference in degrees of wickedness. For it cannot be that what we most wish to avoid is prohibited with a lesser threat and what we are less opposed to is forbidden with the threat of the most serious punishment.

With regard to carrying out the punishment, however, another method of reasoning must be followed. (There is often no right to punish a man who deserves punishment,)<sup>142</sup> as is clear from the examples drawn above, and, on the other hand, a man who intrinsically does not deserve it is punished with a severe penalty. For since the right to prescribe penal laws, which the magistrate lays down through natural permissive law, rests upon the law of self-preservation, it often happens that I justly prescribe some penal law whose transgression can entail the greatest disadvantage, of which, nevertheless, a man who violates the law is not the entire cause *per se* in a moral sense. For example, when some sin begins to spread through the commonwealth, the penalties are rightly increased, yet often the man who sins in such troubled times is not the cause of the spread and dominance of the sin. And, indeed, his sin in such a temporal circumstance is not greater than if it had been committed in another, more happy, age. It is, nevertheless, justly discouraged by a heavier punishment. Nobody will say that theft in England is a graver sin than it is in Holland, even though there a thief has his neck broken, here he is beaten with a birch.

In addition, this consideration teaches us what we should think with regard to the opinion of some, according to which they teach that definite punishments have been established by natural law for each individual sin, so that the punishment belongs no less to natural law than some sin is said to have been committed against natural law. Thus, they teach that murder and adultery deserve capital punishment. Here, one should distinguish between the punishment (that sins deserve, but with that punishment considered apart from the necessity of carrying it out, and the punishment by which we generally determine that they should be revenged.)<sup>143</sup> There is no doubt that, according to natural law and justice

<sup>142</sup> Replaced in 1680 by: 'Often a man who deserves punishment is rightly punished,'

<sup>143</sup> Replaced in 1680 by: 'in relation to the natural and punitive justice of God by which, on the Final Day of Judgement, each shall receive according to his works—of which punishment this is not the place for discussion, since it is connected with that aspect of sin which is deduced from the real and innate nature of sin as being opposed to the justice and holiness of God, not from the harm with which it afflicts human society—I say that

and the existing immutable order of the universe, a punishment ought to be established for each individual sin and the heaviest punishments applied to the most serious. Thus, a variety of punishments must necessarily be established, corresponding to the variety of sins, according to the reason adduced above, (and we must keep to the principle that the heaviness and lightness of punishments will be such that a man shall easily understand that God in truth does not wish injustice to be done and that He hates it. For since God wishes that He be acknowledged by men as the governor of the world and just ruler of the universe, it is also necessary, when determining punishments against offences, that man also recognize justice in them using his uncorrupted and healthy reason.)<sup>144</sup>

(As far as concerns the actual necessity of carrying out the punishment, I am entirely persuaded that it is contrary to the justice and truth of God that, without an intervening satisfaction, a reward should be granted to evil men in the same way as to the good who by the narrow path of virtue proceed to immortality. For how, according to the just design of a ruler, can the same reward await both good men and bad? It would be as<sup>145</sup> easy to demonstrate a moral contradiction here as in the other actions that I have said are commanded or prohibited by natural law. I have nevertheless been unable to discern any argument that would convince me that God, out of necessity, ought also to punish every particular sin, even the most trifling, even though I do acknowledge that God hates even the smallest sin and that in the eyes of God it deserves punishment because He ought to prohibit it, and He could not prohibit it except by attaching a penalty. Otherwise, even after the law had been laid down, man would be free to refuse obedience to that law. But I do not see the necessity of punishing unless the sinner remains impeni-

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one should distinguish between the punishment of which sins are worthy in relation to the natural justice of God and that of which they are worthy in so far as they harm civil society. Thence, one should further distinguish between the punishment and the carrying out of that punishment.'

<sup>144</sup> Replaced in 1680 by: 'which is in order that peace and security be established for men living in the world by deterring dissolute men from evil through the fear and infliction of punishments, and, according to the justice that protects civil societies, a greater punishment is due for offences which by their nature are so constituted as to inflict a greater plague on the commonwealth, whether the plague and pestilence should be feared from the very sin itself or from igniting the wrath of God towards certain sins that are serious in themselves yet are not dangerous to societies to the same degree, such as, among other sins, are those which are committed against the dignity of man and against the natural sense of shame.'

<sup>145</sup> Reading 'tam'.

189 tent, for then He punishes necessarily. And this sufficiently evinces the necessity of the Satisfaction of Christ, since He foresaw that after sin had entered the world all men would remain impenitent unless He were to draw them out of it by a singular favour and grace. Justice, which established that there would be evil for the evil, and that those who continuously and ever more receded from the goal would not obtain a reward, forbade that that singular grace be granted to impenitent sinners.\*<sup>146</sup>

190 In short, we should distinguish between the establishment of a punishment and the execution of it that God wishes to be carried out among men. And, in this respect, natural justice does not demand of men, as it does in the case of God, that a definite punishment be established for each individual sin, and a more severe punishment for graver sins, a milder one for the lesser. Instead, before a judge proceeds to the establishment of a penalty, he must know what are the gravest sins and what the lesser, what sins are punished heavily because of the circumstances, what are those that, because of their peculiar nature, demand such a punishment, and, finally, what are those sins that God wishes to be punished by a judge in this world. But because this question is at the same time most difficult and most useful, namely, What are the means, manner and measure of punishments that the magistrate ought to observe in punishing offences?, I shall not just dip into this sparingly but cover almost the entire field, thus making it clear what assistance can be provided by my principles in all the questions that are treated in ethics and the moral disciplines. Therefore, let me first set out some arguments that seem to prove that all inflicting of punishment should be abolished in a Christian commonwealth. Then, by answering objections and uncertainties, I shall reveal what must be stated with regard to the entire business.

191 Someone might argue as follows for the abolition of punishments in a Christian commonwealth. If Christ commands that we pardon our neighbour and forgive him his trespasses, by what right is he then punished?† The teaching of the Gospels tells us that vengeance must be left to a

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<sup>146</sup> Deleted in 1680.

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\* This paragraph directly relates the 1651 edition of the *Epistolica dissertatio* to the *Specimen refutationis*, which was omitted from the *Opera omnia* of 1680.

† Matthew 6.

judging God and the heavenly tribunal.\* What law, therefore, commands or allows revenge to be pursued at the hands of earthly judges? By what right then do we make war or take up arms to avert contempt? By what right does a judge pass sentence on a thief, even after an abundance has been created of what had been taken in the theft? What private citizen, because of the harm he has received, can punish a man who, confessing his sin, begs pardon for his guilt? And by what right does a magistrate do it, when his power and authority are transient and conferred on him by the people? How could the people confer on the magistrate that of which they were destitute? Then, we are commanded to lay down our life for our fellow man. But how far removed are we from such charity if we also decree capital punishments for a loss inflicted on our fortunes? Fortune, fame, even life itself, should be accounted of no worth by a Christian man by reason of that highest reward which is reserved in heaven, but how different is the value we do place on all these things if we appoint judges as punishers of crimes and maintain executioners for the slaughter and disgrace of our fellow man? 1008

Finally, supposing that it is fitting to exercise public revenge, who will determine what and how great a punishment is due for particular offences? Will the measure of the penalty be established from the extent of the damage that the crime inflicts upon society? But then who is the man who will teach us in what esteem each should hold what is his? For, to the extent that there is variety of temperament, education and manners among different nations, this will introduce a range of degrees of punishment. A miser will reckon that theft should be avenged by capital punishment, a generous man who values his fortune according to its true worth will maintain that it is a pardonable crime. A noble man will judge that contempt for him should be severely punished, an ignoble one that it should be passed over unpunished. Some men consider that the plea of blameless self-defence should be extended to cover even a wife, children and parents; others consider it a sin punishable by death if someone kills his fellow man in their defence. And as each man values the chastity of his wife more or less highly, so will he judge that the penalty for adultery should be made tougher or more lenient. Then, is it so evident to the magistrate what harm each sin is apt to entail? How great is the diversity of judgements on this matter is clear from the varying degrees of

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\* Perhaps a reference to Romans 12:19: 'Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord.'



punishment for the same offences among different nations or those established amongst the same people in different ages. And, if examples are wanted, formerly, according to the constitution of Charles V, adultery was an offence for which one could atone with money, now they maintain that it is a capital one.\* Without doubt, the Emperor Charles had his reasons, and those in our age do not think that they are destitute of theirs.

If, however, this is not the place to begin in the distribution of punishments, lest, that is, sins that offend God's majesty or the natural dignity of man be removed from punishment, a man who proposes to set out upon another path will certainly find himself beset by no lesser difficulties. For  
 195 what rule will then remain for regulating punishments? By what right are penalties increased when the number of villainous men swells? By what right does one pillory a man who has taken by theft things that cannot be protected by a barrier of walls? Why is capital punishment decreed against a soldier who, while keeping watch for the army, allows himself to be overcome by sleep? And who among us will put so much faith in himself as to form a decisive opinion of what punishment is due for every particular sin that offends against natural religion? And since there are many sins that are said to be committed against nature, what will be the precept according to which degrees of punishment are to be apportioned? Why is only sodomy a capital one, and the rest not? Or, if all are to be expiated by death, as some desire, on what foundation does so severe a penalty rest? Should the authority of Scripture be summoned to assistance here?  
 196 The New Testament, however, is silent on punishments, and the laws of the Israelites are not binding, except for those that are drawn from natural law.† Again, therefore, the judge will first have recourse to another principle than Scripture. If the natural law that becomes known from the consensus of more civilized nations assigns their punishment to individual sins, who shall judge which are those more civilized nations? I have proved above by the most effective argument that nothing can be determined with regard to the justice or iniquity of any deed from the consensus of more civilized nations.‡

I wished to present these difficulties beforehand to prepare the way to a  
 1009 fuller and more exact treatment of the matter that lies before us, which we

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\* The Netherlands had been a Habsburg territory from the late fifteenth century. Charles V ruled over them from 1515 until his abdication in 1555, appointing his son, Philip II of Spain, as his successor.

† See p. 76 above and the accompanying note.

‡ See p. 88 above.

begin as follows. Since God has bestowed life on man and has introduced him into a world abounding in a wealth of all things, it cannot be displeasing to God if individuals make use of that gift. They will then also be acting  
197 rightly and justly if they endeavour to remove, without injury to a fellow man, all the impediments that hinder such use. Thus, since each may protect his life, reputation, fortune, and everything of which he is master, and he cannot forfeit that right except by his voluntary abdication of dominion, the injustice and wickedness of a neighbour can neither diminish nor absolutely destroy that right of defending himself and what is his. It may be answered that, certainly, my right is not diminished by the wickedness of a fellow man, nor do new rights accrue to him, but there is the need imposed on us from elsewhere to employ our right with forbearance and demonstrate evidence of charity and clemency in all matters, and, thus, to excuse our neighbour from his punishment and choose rather that he should throw us into difficulties by his wickedness than that he should perish through our impiety.

198 Yet how little those who argue in this way understand the duties of charity. For thence it would be correctly deduced that I owe more to my neighbour than I owe to myself, when, according to Christ's testimony, a man has reached the desired level of charity when he loves his neighbour as himself. We are, indeed, commanded to yield up our last breath for our neighbour, that is, he shall not have done wrong who bestows such pains upon the well-being of his neighbour that he is even prepared to lay down his life for him. But a man does not sin against the law of charity by not wishing to procure benefits for his neighbour at the expense of his own life. Thus, in a particular case, a private individual might lay down his life for his neighbour's well-being, as we conceded above. But it is more often in the interest of charity to provide a severe punishment against crimes  
199 lest, the first injury inviting a second and a third, the commonwealth is inundated by a host of wicked men, and thus we should beware lest we do not by excusing evil men proceed to the ruin of the good. He who has a right over his own life and death is not therefore also master of his neighbour. Excuse your neighbour from punishment if he is not attacking your life and property with impunity, but take care that you do not go looking for praise for your charity in the loss and ruin of others. Indeed, take care not to incur the mark of cruelty because while you choose to spare one you are harmful to the many.

And if a private individual holds his own life of no value, who has taught you to place the same value on the lives of your wife and children, especially of those who do not have the use of reason and have been

committed to your trust? How badly men undermine their own cause, however, when they praise themselves as so averse to all punishment yet do not refrain from severity in exacting money lent to others and, if they can obtain nothing by means of private reminders, pursue their right before a judge. Why, when they declare themselves ready to lay down their life for a brother, do they not release him from debt? Thus, individuals have, and the magistrate has from individuals, the right of inflicting punishment on criminals. As to the measure of punishment equal to the sins, there still remains uncertainty, and we proceed to dispel it as follows.

Crimes that belong to the direction of a magistrate can be divided into three classes, for they relate to the worship of God, or they concern the dignity and nature of man, or they violate the right of a fellow man. Let me first say a few words concerning the last. Since the right by which we inflict a punishment on a fellow man for his violation of our own right depends upon the will of God by which He granted each individual the right to defend himself, neither did he wish a fellow man to be otherwise subjected to us in exacting penalties, nor does He <sup>147</sup> permit us to ruin to no purpose a man who could lead a pleasant and comfortable life without harm to us. Thus, a punishment should be toughened or softened in proportion to the increase or diminution of the loss and harm resulting from the offence of a neighbour. For in punishment we seek a single and most certain protection against the harm that our fellow man willingly does to us. This is the original source of the laws through which society makes known in which matters the community of citizens does not wish its right to be diminished and declares a penalty for resisting the laws. And it does not consider how serious a crime may be by its nature, but such harm as it may inflict upon the commonwealth if committed. This is why a man who has sinned only slightly may justly be given a most heavy punishment by the magistrate, and a man who deserves horrible tortures may be pardoned. Hence, according to the different circumstances, one and the same offence is now punished with a severer punishment, now with a milder one.

If you ask: How did the magistrate know what value each ought to place on his own things?, it must be said that there is not so much difficulty here as many imagine. First, this value possesses some latitude and does not consist in a point. Nor does the magistrate immediately sin if he inflicts

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<sup>147</sup> Corrected in 1680.

hardship on a fellow man to a slightly greater degree than the demerit of the sin seems to demand, just as above we have proven that a man who encumbers himself with some trifling difficulties, so that he is less able to take care of himself and his family, does not always sin. You may recall what I said on the subject at the beginning of this treatise.\*

Secondly, it is sufficient if the magistrate takes note of the custom and manners of the subjects he commands, and increases and lessens the penalties according to the value that each places on the things that he possesses. And it is of no importance for the magistrate to enquire whether the people values its possessions at a just and fair price, since the right to punish rests on the right by which each man can defend himself. Nor is [the people] obliged to subject its own judgement of the worth of its own things to the judgement of others. I am speaking, however, of the common judgement of the <entire nation><sup>148</sup> and people, not of any private or single person. And on this principle and right rests the justness of different laws being established among different nations for the same offences, which <practice><sup>149</sup> supplies me with an irrefutable argument for what I taught elsewhere, namely that the judgement of an individual man in the primitive state with respect to what he judges advantageous to himself is not subject to the judgement of the next man.† For who does not see that the relation of an individual man with regard to his neighbour in the primitive state is precisely the same as is the relation of nation to nation after the division of goods has been made?

Thirdly, there are several crimes that are so involved with the first principles of self-preservation that, just as everyone agrees on these principles, so they may easily come together in one mind with regard to the punishment of crimes that subvert them. For example, a man who, according to the dictate of natural law, holds his own life before all things, in as much as all other things are devoted to its preservation, also rightly prefers to take away the use of life from a fellow man than to subject his own to the will of an enemy. Since everyone is of the same opinion, therefore, the magistrate, in the name of society, rightly declares capital punishment for murderers. And if anyone reflects with sound judgement upon the disadvantages brought about by the defiling of the legitimate marriage-bed,‡

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<sup>148</sup> Corrected in 1680.

<sup>149</sup> Replaced in 1680 by: 'usage'

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\* See p. 73 above.

† See p. 112 above.

‡ I.e., *torus* (see Hebrews 13, 4).

the man who proposes capital punishment for adultery will easily escape  
 205 the accusation of cruelty. If, however, the magistrate judges those harms  
 as of a lesser nature, according to the custom of his own nation, he is not  
 violating justice if he puts a lesser punishment in the way of that sin, for  
 whoever surrenders his right without any damage accruing to his neigh-  
 bour injures nobody.<sup>150</sup>

There is a different manner of proceeding, however, with respect to  
 offences directly offending God or committed against the dignity or  
 nature of man. For the measure of the punishment must not be taken from  
 the amount of loss or damage, but from the enormity and gravity of the sin,  
 even if it causes no problems for the commonwealth. The right to pun-  
 ish such sins, however, again has its origin in that highest right by which 1011  
 everyone in the primitive state commands of his neighbour whatever he  
 judges advantageous to his own affairs. All who acknowledge that there is  
 206 a God who rules the world judge it their duty to curb the freedom to com-  
 mit sins by which they believe that supreme God to be gravely offended,  
 clearly by the same right as that by which parents castigate those who are  
 under their care for similar offences. The populace and the magistrate eas-  
 ily arrive at a knowledge of the degrees of sin relating to the worship of God  
 from the order that I indicated above, and also justly punish those sins  
 against religion into which no one can fall without exceptional wicked-  
 ness or supine negligence. The remainder, however, about which it is more  
 difficult to form a conclusion, he pardons in his subjects. Otherwise, if  
 from a perverse custom or a preconceived opinion of the nation certain  
 falsehoods are taken for truths, or as being closely related to basic princi-  
 207 ples from which they are very far removed, it is the duty of every man to  
 patiently accept the hardships that the magistrate decrees against him, or  
 else to depart from the province and its territories.

The magistrate has the power to do both of these things, yet he rightly  
 and justly punishes the former sins, which offend against the worship of  
 God, and his subjects deservedly receive heavy punishments. For even  
 though they cannot command their hearts to believe otherwise when  
 their minds are blinded by darkness and prejudice, they would not have

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<sup>150</sup> Inserted in 1680: 'This, however, must be understood with regard to a punishment established (for example, for adultery) from that law and foundation by which the punishment of sins and the degree of such punishment are judged according to the harm with which the sin in itself, and by such causality as by its nature flows from it, affects society, not that by which, owing to the neglect of piety and justice, God brings evil upon the human race so that it may be recalled from sin.'

fallen into such darkness but for their wickedness or shameless and damnable idleness. The magistrate does, indeed, have the power to punish the latter sins, but he does not do so justly (unless it is of great benefit to the commonwealth), for, in such cases, either allowance had to be made for the weakness of a fellow man, or else it was the magistrate's duty to elicit the truth in religion by careful investigation and to make himself comply with those urging better things.

208 It must now be clear to everyone what path the magistrate should follow in punishing sins committed against decency. For since those must be considered more serious in which there is greater unseemliness, and greater unseemliness is present in those in which the respect due to a neighbour is outraged the most, or which most lower the dignity with which God has constituted man, the magistrate increases the punishments in due proportion to the degree of unseemliness. And it cannot be objected here, first, that according to the manners and customs that obtain, the magistrate often judges some action to be accompanied by the greatest unseemliness when it is not burdened with such serious unseemliness; secondly, that many subjects may believe some action not to be shameful when the magistrate, nevertheless, accounts it exceptionally  
 209 despicable. For everyone knows how difficult is the path to knowledge of the sins that are said to be committed against nature, and what a diversity of judgements has existed among nations everywhere concerning this matter, whereas with regard to murder, theft, adultery, looting, perjury, etc., there has been a unanimous consensus among all nations. Such matters, however, are of no great consequence. For, in general, it has been accepted among all nations that all unseemliness and shamelessness is a sin, and the discrepancy of judgements has only been with regard to acts considered singly. Thus, if among certain nations certain acts are judged to be done in an unseemly manner, those acts cannot fail to be unseemly, since you do not exhibit the respect to a neighbour which the unanimous consensus of the people among whom you live considers to be owed to him. A private individual, therefore, cannot deny the respect to a neighbour  
 210 that the entire society gives, and desires to be shown, to him. The magistrate thus justly declares a punishment against a man who wishes to exempt himself from the common law.

You may say that perhaps the magistrate places too much value on the dignity of a man and his neighbour, but that cannot easily occur, for honour and dishonour in such a case are valued according to a unanimous and tacit consensus, in the same way that merchants set prices on their wares. For example, to walk about in the sight of men with one's genital

organs exposed, other than in a case of necessity, is considered shameful amongst us Netherlanders, not because the magistrate deems it so, but because the entire multitude of Netherlanders considers it so. It is therefore not in the power of the magistrate to lessen or increase that shameful-ness, since such matters are derived from the custom of the nation which  
 211 a few men cannot change, and so he toughens or relaxes punishments according to that established custom. Thus, if you insist that perhaps the entire multitude was also wrong in evaluating some unseemliness accompanying an act, I reply that the common people cannot sin in placing a value on their own dignity or that of a fellow man living in the same commonwealth, provided that all agree, and I am presuming here that such a unanimous consensus exists. For each man is worthy of the honour of which another considers him worthy, provided that it is such as does not offend God's majesty. If there remain some further doubts that have not been resolved, (let whatever is still to be said be set down in the place where I endeavour to corroborate what I have thus far taught concerning dishonour with passages from Scripture. \*)<sup>151</sup>

And so to conclude: the magistrate need not be worried about what  
 212 punishment he should use to punish sins committed against God or natural decency. As far as the former are concerned, let him but examine which are of such a kind that men could not fall into that error without exceptional wickedness, and let him severely punish them, either with death if they give serious offence to God's honour, or with a milder punishment if the glory of God suffers less detriment. Let him punish sins against natural decency, however, to the extent that he sees the common people customarily shrinking back from them or else considering them to be conjoined with exceptional natural shamelessness or a lowering of human dignity.<sup>152</sup>

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<sup>151</sup> Replaced in 1680 by: 'a careful meditation on what I have said will suggest an easy solution to them.'

<sup>152</sup> Inserted in 1680: 'THE END'

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\* I.e., the following pages.





A DEMONSTRATION FROM HOLY SCRIPTURE  
OF CERTAIN QUESTIONS THAT MAY  
PERHAPS NOT HAVE BEEN CLEAR TO SOME\*

213 You now have, learned sir, such things as sound reason could suggest to me. And although I am in no doubt that you may be easily persuaded that I have not so given myself up to human reason in the investigation of the truth as also to reject the guidance of Holy Scripture, yet, since whatever seems in some manner to attack revealed truth is rightly considered false, I thought it worthwhile to demonstrate from holy writ certain matters in which, because I had to depart somewhat from the common opinion, I cannot promise myself even a few supporters, and in this way to remove all doubt from your mind.

*No necessity would push man to pursue virtue  
if a punishment had not been ordained against sins*

214 I asserted at the beginning of my letter that man would have no need to follow virtue if God had not decreed that He would exercise justice. Someone will perhaps imagine that this accords little with the truth of the Gospels, which everywhere teach that the faithful, moved by filial love, are disposed to show obedience towards God, whereas mercenaries and those who look towards payment in their actions cannot make their worship acceptable to God. Christ Himself testifies that no one is worthy of Him who holds his father, mother or himself in higher esteem. But in what way is his own happiness not dearer to a man who, if he did not see that he was offered a reward, would be indifferent to the worship of God and every exercise of virtue? Christ testifies in Matthew 5:47,<sup>†</sup> that the kindness and love of a man who only bestows love upon those by whom he himself is loved are empty and not worthy of being honoured with praise. But  
215 how can his love be pleasing to God who is only led to praise God for the reason that he can promise himself some recompense therefrom? When

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\* This entire section of the text was omitted from the 1680 edition.

† Cf. Matthew 5:46: 'For if ye love them which love you, what reward have ye? do not even the publicans the same?'

the Apostle Paul desires to be cursed for the sake of his brethren, he could not have hoped for any reward beyond the glory of virtue. Writing to the Romans (chapter 6, verse 21), Paul tells them that those who are servants of God have their fruit in holiness, and their end in eternal life.\* Virtue, therefore, is its own most splendid advertisement, for besides eternal life it confers a disposition to holiness as its most abundant fruit.

Such things may perhaps seem plausible to someone at first sight. When they come into closer view, however, they cannot sustain their former power and authority. For the nature of the love and charity with which we embrace the Supreme Deity is no different from that which makes us favourably disposed towards our neighbour. I proved above,†  
 216 however, that charity, even though in individual actions it should not have regard to some personal advantage, would not obtain among men unless it contributed in the highest degree, for each and every one, to living comfortably. And it is for this reason that we urge that works of charity should be performed by everyone.

The same may be said concerning the love with which we love God: its nature does not, indeed, allow us to be mindful of our own advantage in exercising it, yet some expected benefit furnished the origin of that love. Christ, it is true, declares that no one is worthy of Him who loves his father, mother, sister, or even his own life more than the glory of Christ. But he does so in order to demonstrate the justness of such love, given that such men had reasoned wrongly when, in following their present inclinations,  
 217 they now preferred to indulge in their pleasures to the disgrace and dishonour of Christ rather than, in hope of the greatest reward, to remain steadfast in professing the Christian religion. The Apostle did, indeed, testify that he was ready to be cursed for the sake of his brethren. By these words, however, the Apostle only wished to point out that he held the Jewish people in such high esteem that he valued them more than himself, and to make this matter clear he used words which, if you insist upon the proper sense, have a different meaning from what he wished to express by them. For a mind inflamed by love for another will often do things that one could not justly and reasonably perform with a cool temper, since love makes us so attentive to the good of the one to whom we are bound by love that we are deserted by the sense and thought of other things that might  
 218 justly stand in the way of fulfilling our desires. How many sincerely wish

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\* Cf. Romans 6:22: 'But now being made free from sin, and become servants to God, ye have your fruit unto holiness, and the end everlasting life.'

† See p. 75 above.

to perish in place of their father, wife or others joined to them by some close bond when often it is not within their power, which they well know though at the time they do not think of it? Neither is there any imprudence on that account, nor is deceit contained in such wishes, for words of this kind that declare such a wish, just as all others in use among men, should be judged according to their circumstances.

Thus, the wish of the Apostle, and of the many others who, inflamed by the most ardent love, give vent to words that they cannot justly put into practice, represents nothing other than that they desire to do all those things to which the most effusive love can move someone for the sake of those whose good they seek. For, if you wish to abide by the primary sense of the words, you will necessarily fall into innumerable absurdities  
 219 in explaining the words of Scripture. For example, who will maintain that the Apostle was free of falsehood when, in Philippians 4, 10, desiring to extenuate the sin of negligence of the Philippians in supplying the necessities of life, he says that they were, indeed, solicitous in that regard, but lacked opportunity.\* Clearly, the Apostle had discovered the opposite, but he wished here to follow the familiar custom among men according to which, so as not to appear to accuse someone of vice or weakness, they use words that seem to free the action of every vice, content to have stirred the mind of a friend to the acknowledgement of his sin by means of ambiguous words.

Nothing is proved by the passage in Romans 6, when he declares that fruit comes to the pious from an innocent life, that is, holiness, but that this is in relation to eternal life, given that without holiness no one shall  
 220 see God.† Thus, if eternal life had not been offered to the pious as a reward, that very holiness would not have been a fruit, since it would have no use. You may say that its use consists in the fact that it disposes man to eagerly engage in acts of virtue, the exercising of which gives man pleasure since he is acting in accordance with his own nature, just as it cannot but be pleasing to a man if by careful investigation he brings to light some hitherto concealed truth in nature.‡ But to whom is it clear that such pleasure will always be joined to the exercise of virtue if God had not decreed that it be rewarded? For God has so arranged the union of our soul with the body that the soul is principally affected with joy by actions

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\* 'But I rejoiced in the Lord greatly, that now at the last your care of me hath flourished again; wherein ye were also careful, but ye lacked opportunity.'

† I.e., Romans 6:22.

‡ Cf. Thomas Aquinas, *Summa theologiae*, I<sup>a</sup>II<sup>ae</sup>, q. 94, a. 2, 3.

that have a relationship to the fulfilment of the end that God intended.

221 Were that relationship to be destroyed, perhaps the same emotion would not pervade the mind as moves it now.

Then again, vices delight as much as virtues. If they later confer some displeasure, this comes from a rending of the conscience that has its origin in the fear of punishment. And the splendour of virtue will never affect man so greatly but that the presence of even the slightest pain will confound all his pleasure. Christ Himself signifies this in the parable in which He introduces a man with a hundred sheep of which one has gone astray, and who endeavours to find it with every care and attention, feeling more pain from the loss of one sheep than he took pleasure from the ones that remained.\* Thus, were this reward withdrawn, there could be no reason why one should follow virtue rather than vice. Instead, and with reason, everyone would always seek that in which he might dwell with the greatest joy.

222 There are many places in Scripture that confirm my opinion, but in chapter 15 of the first Epistle to the Corinthians the Apostle openly strives to teach my opinion to the Corinthians. For he endeavours to demonstrate the necessity of resurrection, and how important it is for the Corinthians to believe in it, and, amongst other arguments, he proves it by reasoning that otherwise their faith is vain (verse 14), and that 'If in this life only we have hope in Christ, we are of all men most miserable' (verse 19); that they miscalculate 'who stand in jeopardy every hour' in the name of Christ (verse 30); that their undertaking is in accordance with reason who say 'let us eat and drink, for tomorrow we die' (verse 32). For once the Last Judgement has been acknowledged, they lead their lives most wisely who, with their fates fast approaching, seize every joy they can.

223 Surely, would not the Apostle have been arguing most unsuitably had such a great fruit been reposed in the exercise of virtue without the hope of a reward conferred after this life? How ready the Corinthians, seduced by that pernicious error, would have been in reply, to the effect that their faith was not vain, nor had the Apostles suffered so many hardships to no purpose, when virtue itself was the greatest recompense to its followers, and that those gourmands and gluttons miscalculated when, placing the

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\* Matthew 18:12: 'How think ye? if a man have an hundred sheep, and one of them be gone astray, doth he not leave the ninety and nine, and goeth into the mountains, and seeketh that which is gone astray? 13 And if so be that he find it, verily I say unto you, he rejoiceth more of that sheep, than of the ninety and nine which went not astray.' See also Luke 15:4-7.

greatest delight in pleasure, they did not taste the bitterness of sin. I shall add no more, so as not to render the matter distasteful to you by citing many passages, and proceed to other matters that might be able to hold your attention.

*There exist actions of an indifferent nature*

I have said as well that not all actions considered together with their circumstances can be called sins or virtues, but that they often retain their  
 224 indifferent nature in the very enjoyment and exercising of them.\* I know that many disagree with this opinion, so I would also like to support the credibility of the matter with the authority of Scripture. In 1 Corinthians 7:18, the Apostle speaks thus:

Is any man called being circumcised? let him not become uncircumcised.  
 Is any called in uncircumcision? let him not be circumcised.  
 19 Circumcision is nothing, and uncircumcision is nothing, but the keeping of the commandments of God.

The Apostle here considers the foreskin according to the nature that it has in the New Testament among those who had been called uncircumcised to a knowledge of the Gospel. This matter could certainly only have been one that was of indifferent nature, just as the Apostle testifies, because it was not included in the commandments of God, not even then, when any individual person might either possess or lack a foreskin. For it neither  
 225 did anything in itself to advance piety, which everyone will readily admit, nor could it move a man to piety *per accidens* as a result of his intentions. For what virtue or vice could have arisen from the fact that he went about uncircumcised or circumcised? No more, surely, than if someone thought himself furnished with the matter of vice or virtue because his chin was covered by a thick or a wispy beard. Is this the argument that ought to exhort us either to give thanks or to avert God's anger? Or to awaken religion in us? Or a reverence for the divinity? Or to promote or hinder the salvation of a neighbour? Anyone who believes this turns the Christian religion into a ludicrous mockery.

Again, in verse 28 of the same chapter, the Apostle says 'But and if thou marry, thou hast not sinned; and if a virgin marry, she hath not sinned'.  
 226 Here, though I cannot deny that, according to the precept of the Apostle,

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\* See p. 73 above.

a man will do something more worthy of a Christian if, being master of his desire, he abstains from marriage and gives himself up totally to God (for the discussion here is about such a man), it is nevertheless true, according to the teaching of the Apostle, that such a man is free from sin if empty of blame, so that either marriage can assume the nature of virtue in such a person or it will have the nature of an indifferent matter. It cannot come by the name of virtue, since such a man desires only to obey his instinct. Therefore, in such a person, marriage will be an indifferent matter, as in the case of someone who, when he could employ the entire day attending sacred worship, devotes only part of the day to it, bestowing the remaining time on innocent pleasures. In such a man, therefore, marriage retains the nature of an indifferent matter. But the  
 227 most efficacious argument is taken from Matthew 22:37–39, where Christ, in answering the question of a certain doctor of law, says: ‘Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself.’ In agreement with which Paul says (Romans 13:10): ‘love is the fulfilling of the law’. Thus, actions that do not conflict with charity, and are not its signs or effects in that law, are neither prohibited nor commanded. I ask: How does the love that I owe to God or my neighbour suffer if, sitting here in my study, I write this letter with my body upright or leaning slightly forwards?

*The matter of vows is free*

There is a question related to the former one with which I ended the above, namely whether the matter of vows is free, so that a man can  
 228 abstain from them without sin if he wishes, even though he knows that his labours will prove more pleasing to God if he takes a vow. Furthermore, whether a man can forbid himself the exercise of a greater virtue when there is the opportunity to perform it, and content himself with a lesser without the stain of sin. I am convinced that it is so, and I could defend myself with the authority of the most illustrious men residing in our Church whom I consider the authors of my opinion. But it is better to persuade you of this truth by means of arguments drawn from Scripture than to lead you to believe by means of human authority, and I shall not lead you through many kinds of argument.

An excellent argument is gathered from the Epistle to the Galatians, chapter 6, verse 10, in which place the Apostle urges: ‘let us do good unto

all men, especially unto them who are of the household of faith.' And  
 229 an efficacious argument is elicited from 2 Corinthians 8, verses 3 and 13,  
 in which the Apostle testifies that the Corinthians were willing beyond  
 their power to ease the poverty of their brethren (verse 3),\* but in verse 13  
 teaches that it is not the law of charity that someone should place himself  
 in difficulties in endeavouring to benefit others by his own goods.† The  
 Corinthians, therefore, could have been less generous without there being  
 any offence against charity. In the same way, a man who is his own master  
 and lord of his own possessions does not sin if he distributes his goods  
 amongst the poor, choosing rather to sustain himself with light fare than to  
 enjoy the luxuries that he could have legitimately obtained with his riches.

I am, indeed, aware that it is usually retorted that many are not so  
 much in control of themselves that they can enjoy the greatest gifts of  
 God in moderation, and that therefore there is a necessity incumbent  
 upon them to give up their fortunes. But what if someone recognizes that  
 230 he is strong enough to enjoy his goods and possessions without sin, yet,  
 moved by great love, calls to mind the poverty of his fellow man, so that  
 he prefers to give up his belongings in order to relieve the wants of the  
 poor by them than to see his fellow man thus oppressed by the burden of  
 poverty? Will he not have done a work worthy of being honoured with the  
 highest praise? What if, however, someone does not strive towards that  
 exceptional degree of charity, but being content with the common one  
 gives thanks for his enjoyment of the gifts of God? Will he not be free of  
 blame? I believe it to be so, according to the saying of the Apostle Peter  
 (Acts 5:4), 'Whiles it remained, was it not thine own? and after it was sold,  
 was it not in thine own power?'; pointing out that Ananias had been bound  
 by no law to sell his field and give the proceeds to God, but that, since he  
 was now striving with the rest of the faithful towards that heroic act of  
 charity, he had to stand by his promises.

231 In Deuteronomy 23:21, the law is expressed clearly:

When thou shalt vow a vow unto the Lord thy God, thou shalt not slack to  
 pay it: for the Lord thy God will surely require it of thee; and it would be sin  
 in thee.

22 But if thou shalt forbear to vow, it shall be no sin in thee.

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\* 'For to their power, I bear record, yea, and beyond their power they were willing of themselves.'

† 'For I mean not that other men be eased, and ye burdened.'

Vows, therefore, are only involved with matters to which nobody is obliged by any law. If someone takes a vow concerning them, however, he performs a most pleasing service to God. Those who do not approve of this opinion usually object that it is the duty of everyone to eagerly undertake whatever promotes the glory of God or procures benefit for a fellow man, and that nobody ought to struggle against his conscience, which speaks to us in place of God, if it is clear that the work to which it exhorts us is good. But I have proven above that we ought always to seek the glory of God  
 232 and the well-being of our neighbour to the extent that we should never do anything that obscures His glory or stands in the way of a neighbour's well-being.\* No law commands us, however, to always do whatever demands the highest degree of love for God or our fellow man. The Apostle Paul (1 Corinthians 7) grants that a woman is free to marry if she wishes. But he teaches that, given the same qualities and circumstances, she will do better if she embraces celibacy, in that she will have more frequent opportunity for matters that relate directly to the worship of God.† But by what right could the Apostle have granted the virgin such liberty if whatever is more holy cannot be left undone by anyone without sin? My adversaries will no doubt deny that the Apostle is granting this liberty to a virgin placed in such circumstances. But if this is a true exception, I do not know how the Apostle has answered the question of the Corinthians,  
 233 nor would they judge the Apostle to have removed any doubt. They were asking how to conduct themselves in matters concerning matrimony. The Apostle teaches, among other things, that a virgin who cannot contain herself should marry, but that one who is superior to her desire will do better if she refrains from marriage, since then she can be free to devote herself to divine matters without any interruption. He adds, however, that if her father judges that this is unsuitable for a virgin still in the flower of her age, such a man will not be sinning if he gives his daughter in marriage. Here, surely, one ought to say of a virgin that is master of her own will that she ought not to shun the chains of marriage either on account of God or on account of a neighbour, since concerning such women the Apostle had already said that they ought to have recourse to marriage: 'Nevertheless, to  
 234 avoid fornication, let every man have his own wife, and let every woman have her own husband.‡

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\* I.e., p. 73ff above.

† 1 Corinthians 7:34–38.

‡ 1 Corinthians 7:2.



What if someone experiences within himself such a stirring of his conscience that he feels himself roused to such works as we have so far been discussing? Will he still be free not to obey that instinct? I reply that if he so judges, and he cannot cause himself to think differently, he is bound by his judgement to obey his conscience. But no one ever so judges without believing that those acts cannot be omitted without sin. And, in truth, the circumstances are often such that, if anyone considers them well, he will find that he cannot leave works of piety and charity undone—not without offence to the glory of God or great disadvantage to a neighbour, to the removing of which he is bound by the law of common charity. Nor can one hold up the precept of Christ to love God with all  
 235 one's heart and with all one's strength, and one's neighbour as oneself, since these words do not denote the highest degree of love, but a sincere and undissimulated affection. This is sufficiently clear from the passages of Scripture in 1 Kings 2:4 and 1 Kings 8:48 & 61, in which places God commands true and undissimulated repentance using the same words as Christ.\* But it cannot happen that everyone attains the same degree of piety. And when Christ teaches that a man who values his own life less than that of his neighbour will perform a great act of charity, by showing that we love our neighbour more than ourselves, it cannot be the case that the words of Christ are to be understood otherwise than with regard to sincere and undissimulated love towards God and our neighbour, but such  
 236 that the love of God ought to be more important to us, and stronger, than the love with which we honour our neighbour. And, indeed, since Christ honoured John and Lazarus with a greater love than he did the other Apostles (see John 11:3, and 13:23), it follows that either Christ transgressed against the law or the words of the law must be understood differently.

I asserted, moreover, that even though the works of common charity take their origin from the desire by which everyone endeavours to preserve himself, they do not therefore lose their nature.† I shall adduce one passage of Scripture that will cast the truth of this matter into a clearer light. In Romans 13:5, the Apostle Paul says that we ought to be subject to the higher powers, not only through fear, but also for the sake of our conscience.‡ But who doubts that magistracy and government were invented by men so that each might place his life and fortune in safety? Govern-  
 237 ment, therefore, has its origin in everyone's desire to look after his own

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\* I.e., 'with all their heart and with all their soul'.

† I.e., p. 76 above.

‡ 'Wherefore ye must needs be subject, not only for wrath, but also for conscience sake.'

interests. But this places no obstacle in the way of the Apostle wishing all of us to obey the magistracy for conscience sake; that is, from the heart, not from fear of harm or love of money, which comes to the same thing. In Galatians 5:15, the Apostle openly declares that enmities which exclude works of charity tend to the destruction of those that indulge in them. 'But if', he says, 'ye bite and devour one another, take heed that ye be not consumed one of another.' Thus, if to avoid harm one should not pursue enmities, then to obtain some good one ought to attend to charity.

The Apostle does indeed say (1 Corinthians 13:8) that charity will also obtain in the everlasting life, in which, nevertheless, men will not be in need of mutual assistance.\* But no wonder, when we ourselves recognize  
 238 that nobody ought to have regard to his own advantage when he is fulfilling some charitable duty, just as nobody ought to submit to the magistracy merely in order to avoid harm. The charitable impulse will thus be the same in heaven as it is now on earth, since then whatever we shall judge pleasing to our neighbour we shall readily confer on him with all our effort, just as charity leads us all to the same endeavour in this life.

*The property of decency and indecency  
 should only be taken from circumstances*

I shall now proceed to what I considered before all else that I had to prove from Scripture, namely what I taught concerning sins against nature and natural decency.† For I have no doubt that the matter will be drawn into odium by those who wish me ill, and therefore I must be so much the more careful to deflect all calumnies. I divide those sins into two classes, of which some are properly said to be committed against nature, the  
 239 others against natural decency. The latter I have brought back together with the former into one class, since there is shamelessness in all of them. Concerning those that are properly said to be committed against nature, I have taught such things as will easily procure assent from everyone, since in this matter I do not depart from the common opinion. If anyone is displeased by the demonstration with which I endeavoured to prove the unseemliness of those sins, I shall not look askance at the effort of others if they can show me a better way. Of the other sins, where unseemliness is also believed to be present, I have asserted that there

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\* 'Charity never faileth.'

† See pp. 82ff above.

is nothing in any of them that is in itself unseemly, but that they are only considered so because of circumstances from which they derive their unseemly character, and they can be stripped of these circumstances so  
 240 that if someone were then to commit any one of them he would not be presumed to be sinning against good manners. And therefore I assert that one can expose one's genitals in a case of necessity. Indeed, it can be done without sin by men where such a custom obtains that everyone believes there to be no shamelessness in it. Based on the same reason, I said that no degree of marriage is prohibited by the law of nature, no discussion of sexual matters is in itself immodest, but only according to circumstances. And all these circumstances derive from a neighbour's lust, or his dignity, or from the self-esteem in which everyone ought to hold himself. But since many things cease to be incitements to lust because the circumstances, which had they been present would have inflamed a neighbour's lust, have changed, such things are rightly said to be done without sin. Furthermore, since the outward signs by which we exhibit  
 241 reverence and honour towards a neighbour may vary, there are many things that among one nation are done with dishonour to a neighbour or oneself that in changed circumstances lack this vice.

I shall attempt to demonstrate the matter from the texts of Holy Scripture. We read in John 21:7 that when Simon Peter ran towards Christ, who had unexpectedly arrived while the disciples were fishing, he covered himself with a coat, not daring to approach closer to Christ when naked, while he indulged himself in that freedom with men of his own rank, between whom a great familiarity existed. What was the reason here why he was ashamed to do in the sight of Christ what shame did not prevent him from doing in the presence of his comrades? Without doubt, it was a change in circumstances. Something was present in Christ that was not found in his friends, and therefore Peter owed something to both Christ and him-  
 242 self that it was not necessary to exhibit to the Apostles. The dignity of Christ did not allow a naked body, which among the men of that region was considered shameful, just as it also is among us, to be exhibited to Him undressed. And the desire by which each man endeavours to avert contempt from himself instructed Peter that it was not fitting to show his infirmity to Him who could have turned this into a cause for contempt. And to this should be reduced all the reasons why we blush to do certain things in the presence of some people that shame would not forbid us to perform if others to whom we were close were present. I am speaking of those matters in which only shame, not lust, prohibits doing certain things. It is also the same reason why in the sight of our parents, or those

joined to us by a very close relationship, we fear to do a few things that would not be shameful in the company of others.

- 243 The Apostle Paul says (1Corinthians 15:43) that the body is sown in filth.\* But how can our body be filthy when it has been created in the image of God and is full of features that represent to us the great mental gifts whose dwelling place it is? According to the opinion of the Apostle, it is filthy because a body beheld naked and stripped of its adornments is considered filthy and lacking in decency. In the same way, it is considered filthy to discharge the requirements of nature in public. It is proper, however, to do this in private, and even if it is clear to all why someone is seeking solitude, he is not considered indecent. Again, something is considered filthy and unseemly in one man when a similar shamelessness is not imputed to another for the same deed. Many things are done by men without disgrace which, if performed by young women, would be considered a sign of shamelessness. However, so that nobody may doubt that it is only for that reason that our body is called filthy by the Apostle, one may read what the Apostle says in the same Epistle, chapter 12, verses 23 and 24:

And those members of the body, which we think to be less honourable, upon these we bestow more abundant honour; and our uncomely parts have more abundant comeliness.

24 For our comely parts have no need: but God hath tempered the body together, having given more abundant honour to that part which lacked.

Here, certainly, the discussion is not only about the genitals, but also about the parts the Corinthians were accustomed to cover. The Apostle says, however, that those parts were destitute of natural decency and were therefore in need of having some grafted on. But who believes that the Apostle was moved to disparage the honour of those parts for any other reason than because, according to the custom of the Corinthians as well as their opinion, unless they were covered those parts were thought to possess some dishonourable aspect? And the Corinthians judged rightly given that such a custom obtained amongst them. And that is why the Apostle says that an additional adornment was also added to those parts by God, since every shamelessness is prohibited by the law of God, and modesty and reverence commanded, and these must of necessity be absent in the exposure of the parts that custom among the Corinthians forbade to lie open to view. So far as I know, however, nobody has yet arrived at the opin-

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\* 'It is sown in dishonour.'

ion that they believed it to be a dictate of nature to hide all those parts that the Corinthians covered with clothes. Therefore, custom has introduced such a concealment of parts, because the body considered in itself is vile: 'Christ shall change our vile body, that it may be fashioned like unto his glorious body' (Philippians 3:21). Thus, what is surprising if more civilized  
 246 men readily adopt those manners by which the dignity of a man is raised ever higher? Similarly, one may observe that nations desirous of honour and decency before all else have in frequent use such signs as, according to the custom of that nation, are indications of a more cultured and civilized soul.

Again, the same Apostle speaks thus: 'That which I speak, I speak it not after the Lord, but as it were foolishly, in this confidence of boasting' (2 Corinthians 11:17). Verse 19 points out that such boasting would be indecent if the Corinthians did not tolerate it with courtesy, and that he would be doing something that was contrary to good manners if permission to do it had not been granted beforehand.\* Whence I conclude as follows: if through the concession of a neighbour something becomes permissible that would have been a sin had such a renunciation of right not inter-  
 247 vened, it follows that actions that are placed in the category of sins on account of their unseemliness only acquire that unseemliness from the circumstances, and if these are removed can no longer be disapproved of in that regard. In the passage cited, the Apostle made use of the custom, familiar to us all, by which if something is to be done or said that is forbidden by the dignity or modesty of a neighbour, we are accustomed to have permission granted first, and according to received custom one has then done nothing shameless. I added 'according to received custom', for if one or two men release each other from mutual respect and regard outside those circumstances in which public custom has allowed mutual respect to be passed over without a note of shamelessness, they are not therefore  
 248 free from sin. For the custom that attributes to each and every individual who is placed in certain circumstances the right to do something, or allow something to be done to himself, without a violation of modesty does not depend on a few, but on the entire multitude. Thus, no one can give up or assume on the basis of his private judgement what is conferred on or taken away from him by the assent of the entire nation. If it is clear to someone, therefore, that in the judgement of the multitude an action will be condemned for shamelessness, he may not do it in private, even if some

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\* 2 Corinthians 11:19, 'For ye suffer fools gladly, seeing ye yourselves are wise.'

fellow man to whom he owes some esteem by the dictate of the nation should say that he has given up his right, for he cannot give up a right that the entire multitude wished him to have. And that is the reason why no one, in those regions in which custom wishes the organs of procreation to be covered, may reveal them in anyone's sight, even though the other agrees, when the entire nation judges that it cannot be done without a violation of modesty. In contrast, it will be possible without sin when the same nation holds by tacit consent that it can be done without offending modesty.

And now it is clear why, after sin had been committed, God wished Adam and Eve to cover themselves with clothes. And why they and their offspring were not free to cast them off as long as there remained the sense of shame and modesty that Adam had had on first seeing his wife after they had committed sin. Before committing the sin, they were like children with respect to the feeling of shame. Once the sin had been perpetrated, the feeling of shame filled up their souls, from which shame they judged it indecent to walk about with their genitals uncovered, just as we eventually form the same judgement with increasing years. And I have therefore held that the habit of not hiding those parts among some nations was never introduced without grievous offence, although now that it has been introduced it is observed without sin.\* Thus, I am fully convinced that God has planted many other seeds of honour in the minds of men which they might cultivate to render their condition more honourable and glorious, and perhaps these were cultivated by the first parents and those who were not very far removed from them in the chain of descendants. Later, however, left uncultivated by others, they perished, and not without grave sin, just as several arts and disciplines experience the same fortune. Afterwards, God, claiming to Himself as a particular possession the Jewish nation among so many other peoples, and desiring to raise them to great dignity, recalled the ancient and virtuous morals by means of express laws and commanded many things that, though they do not flow from the force of natural law, yet encompass a great modesty of manners. To these, I above all refer the prohibited degrees of marriage. For such laws are in full agreement with the natural sense of decency, and theologians are therefore not unreasonable in urging that all Christians are also bound by these laws, however much they are wrong in thinking that they are a dictate of natural law, for there is a great difference between

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\* See p. 92 above.

252 natural law and the natural sense of decency, as is clear from what I said above. And, since Christians ought to weigh up all these matters according to the injunction of Paul, whatever things are true, whatever venerable, whatever just, whatever lovable, whatever of good reputation, in whatever there exists virtue or praise,\* so even in contracting marriages they should not neglect the things that can perfect a praiseworthy sense of shame, just as it does not become parents to be negligent and careless in passing on to their children the things that can give them commendable manners in later life. And that was perhaps the reason why the Apostle believed that the incestuous Corinthian should be excommunicated, since the teaching of the Gospels commands us to hold in greater reverence the persons that are joined to us by such close relations.† But since it is still uncertain how far the laws of the Jewish nation regarding honour and decency are binding on us Christians, it is safer to reply that the incestuous man rightly deserved such harsh and severe treatment from the Apostle because he was committing acts that could not be performed without very great shamelessness among the Corinthians, according to the custom introduced there. Thus, learned sir, I hope that you will be satisfied concerning the sins relating to decency and respectability. I now proceed to a few other matters that still remain.

*Divine right and human right, in the present  
world order, coincide and are of the same extent*

253 I have also said that God cannot fail to judge as unjust or indecent whatever is so considered according to human natural law, since in the present world order one should not distinguish between divine and human natural law.‡ This assertion of mine ought in the first place to be proved to many for the reason that it is very far removed from the mistaken opinion of those who teach that many things were granted to the Jewish nation in the Old Testament in which it could be discovered by the guidance of natural reason that some iniquity was present, but that God had not wished to be so severe with them, and in His clemency exempted many things from

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\* Philipians 4:8: 'Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.'

† 1 Corinthians 5.

‡ See p. 87 above.

the number of sins that could not have escaped such a character if He had wished to act strictly by the law. For if my opinion is true, and the proof given above is allowed, my adversaries will have had every opportunity for debate cut off.

I shall try, however, to prove the matter by arguments. The Apostle  
 254 Paul says to the Romans (chapter 1, verse 32) that the gentiles knew the judgement of God, that is, that those who committed the sins mentioned in that chapter were worthy of death.\* The gentiles could not have known it had it not at the same time been clear to them that there was wickedness in the actions that the Apostle condemns there. But the reason that taught the gentiles that there was sin in them also necessarily teaches that there is sin in whatever is prohibited by human natural law. Otherwise, both then and now, the gentiles would be in a position to deny that their sins were forbidden by natural law and to turn their ignorance into an excuse for sinning. But the Apostle teaches in the quoted passage that it was clear to the gentiles that from transgression of the laws there arises in God the right to inflict punishment. Therefore, such a right really did fall to God, and so God cannot have set it aside. Otherwise, the gentiles would  
 255 have been led by dubious reasoning when they stated that everything that they themselves, moved by sound reason, placed in the category of sins is condemned by God and is worthy of retribution by punishment. Whatever we can prove to be committed against human natural law, therefore, is also committed against divine natural law in the existing world order. Otherwise, it would not be true that from individual sins committed against human natural law there necessarily arises in God the right to inflict punishments, which the Apostle teaches is established according to natural law.

Next, I shall demonstrate it by means of all those passages of Scripture that endeavour to free God from every iniquity and injustice that, as a result of some handed-down teaching, men guided by natural reason might think are present in God, the Holy Spirit everywhere intimating that men are right to conclude concerning God's goodness, holiness, justice,  
 256 etc., what natural reason teaches ought to be believed about God. For even though God is far superior in right to any creature, nothing should be attributed to God except what belongs to God from the recognition of that supreme right. And that supreme right of God in turn becomes

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\* 'Who knowing the judgment of God, that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them.'



known to natural reason from the principles that form the foundations of natural right and justice among men. And I believe that one can teach nothing more dangerous in religion than to say that God does many things in which human reason can discern no justice. For once this has been conceded, all rational worship is destroyed. Men would have to forbid themselves the use of sound reason, and would even be bound to do and believe with regard to God what good and sound reason forbids one to believe, and to which they could not give credence if they merely wished to form an explicit notion of what ought to be believed. And if the teaching  
 257 of the Papists on transubstantiation is deservedly suspected of falsehood by all, since it teaches things that the human rational mind necessarily judges to be impossible, they are not also bad judges of matters who believe that in explaining articles of faith one should always take care not to teach anything that implies a contradiction. It is not only what flies in the face of the principles of natural philosophy that undermines itself, however, but also what undermines the foundations of the teaching of morals.

The passages of Scripture that attribute justice to God or remove injustice from him according to the principles of natural human justice are almost innumerable. See Romans, chapter 3, verses 3 and 4, and chapter 9, verses 13 and 14; Hebrews 6:17, and 2 Chronicles 19:7.\* See also Romans 2:2, and Hebrews 6:10. It would be pointless to add more, since they appear everywhere throughout Holy Scripture.

*There exist some lies that are not sinful,  
 however much they are improperly called lies*

258 What I stated above concerning lies will perhaps also not find credence among many unless Scripture is called to its assistance.† I said that what is properly called a lie, such as is condemned in Scripture and is considered a vice among men, is that by which the right of a neighbour is violated. In Ephesians 4:25, the Apostle speaks thus: 'Wherefore putting away lying, speak every man truth with his neighbour: for we are members one of

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\* E.g., Romans 3:3–4: 'For what if some did not believe? shall their unbelief make the faith of God without effect? 4 God forbid: yea, let God be true, but every man a liar; as it is written, That thou mightest be justified in thy sayings, and mightest overcome when thou art judged.'

† See p. 109 above.

another.' The Apostle gives the reason why one should refrain from lying, namely because we are members of one another, and therefore we ought to have regard for the common good of the entire body, and not have each man seek his own gain at the expense of his neighbour. Thus, if through a lie someone achieves something from which there arises no harm to a neighbour, what he says or does contrary to his true intention, by which his neighbour is deceived, ought not to be imputed to him as a sin. But  
 259 whenever the right of a neighbour is violated by such a pretence, though the greatest benefit accrue from it to the man who is the cause of the error, he cannot at the same time avoid the reproach of deceit and falsehood. Let nobody think that I wish to accommodate any defence of officious lies here. For if some officious lies are without vice, it is certainly not because they turn out to the advantage of the one who has been deceived, but because a friend has used them so opportunely that he could employ them without harm to the other. You may say that harm is always done to one's neighbour, since nobody would willingly be cheated, and therefore each man declares that he will never concede such a right to his friend, so that the latter, reckoning by his own judgement what is of benefit to us, is deceitful in leading us to do what we could not have been led to by the  
 260 true appearances. I reply, first, that there are many persons who properly speaking possess no direct right over themselves, such as infants, the insane, etc., the protection of whom and the judgement concerning whose benefit are committed to others who cannot properly fulfil that charge unless they command many things to be done without regard to the will of those whose protection they have undertaken. And therefore these men rightly induce such persons by means of harmless deceptions to do the things they would never have arrived at had they been presented with the true appearance of things. Who will believe that a man makes himself guilty of sin by endeavouring to calm the disturbed mind of a madman by means of false promises? Or by attempting to persuade an infant that a drugged potion that the infant refuses to drink will be pleasant, or by smearing the rim of the cup with something sweet? For it comes to the same thing whether you occasion someone's deceit with words or with  
 261 deeds. Then, many cases occur in which a man appears to have justly surrendered his right, or because of the circumstances is fairly and justly obstructed from using his right, as in the example I adduced earlier. Nor is there any danger that anyone in such a case will assume more freedom than is proper, to the detriment of his neighbour, since it is easily known from the common consensus of the citizens how much each man ought to allow himself in such a matter. It would, moreover, be easy for me to define,

according to my principles, the limits within which everyone ought to contain himself, just as a magistrate may easily determine whether, while pleading legitimate self-defence, a man who has averted harm by killing a fellow man has stepped beyond the proper bounds within which public authority has confined each private citizen.

262 Then, if whatever is said or done that in itself deceives a fellow man must be disparaged by calling it a lie, I do not know in what manner one ought to explain the passages of Scripture that teach that God has frequently held up the false for the true before the eyes of men, from which error a man could not guard himself. See John 20:14, and Luke 24:15 and 16.\* In these passages, it cannot be said that the men have deceived themselves, or have pronounced a judgement on the object from which they ought to refrain, for otherwise one would have to place no trust in the judgement of the senses. Nor can it be denied that they were led into error by the false appearance, and that it happened in just the same way as if someone had perpetrated an innocent trick or fraud on others by means of an illusion. Yet nobody has said that these actions contain any deceit that is condemned by the law of God. If, however, a voice had called out from heaven that the appearances were true when events had taught that they were false ones, such an oracle would never have been free from  
263 falsehood, because God would have declared by that voice that on this occasion He did not wish to use His supreme right by which He could sometimes deceive men without detriment to His truthfulness. For if in such circumstances the statement uttered did not have to come to pass, God would not be truthful and all religion would be at an end. And that is why God can sometimes deceive men by such a counterfeit image and false appearance without injury to His truthfulness and justice, whereas He cannot lead men in circles in perpetual mockery without a denial of Himself. Let nobody imagine that every judgement of the senses should be called into question and believed to be uncertain because God has more than once made sport of men by means of false appearances, as if He is employing the same right as when He lays down something we should believe. For if a magistrate can sometimes spread a false rumour without  
264 impairment to his own dignity and truthfulness or injury to his subjects, it does not follow that he can always do so in every individual matter

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\* John 20:14, 'And when she had thus said, she turned herself back, and saw Jesus standing, and knew not that it was Jesus.' Luke 24:15, 'And it came to pass, that, while they communed together and reasoned, Jesus himself drew near, and went with them. 16 But their eyes were holden that they should not know him.'

and consider the people as existing for his laughter and amusement. Such matters, however, should only be touched on lightly here, a fuller discussion belonging to another place.

Let me adduce one more passage. In the Gospel according to St John, chapter 6, verse 5, Christ speaks to Philip as follows: 'Whence shall we buy bread, that these may eat?' The Evangelist adds that Christ said this to test Philip. Anyone can see that these words are the signs of a man in doubt and of undecided mind, and Christ wished them to be so understood by Philip, even though He had already determined what He would do. Here, surely, some innocent deceit was contained in the words of Christ, and He was speaking contrary to His own understanding and intention. Yet  
 265 He was free from sin, because, without harming his neighbour's right, Christ wished to induce him into giving such a reply as He could not have expected if He had revealed His hidden plan.

*In the primitive state, anyone might subjugate the entire world*

I said as well that in the primitive state anyone might claim the entire world for himself and force all men under one rule if he judged it to be to his advantage.\* The Fifth Commandment commands children to give obedience to their parents. Therefore, by the force of that Commandment, Adam had dominion over all his descendants. Nobody can have any doubt that he had such a right over the children directly descending from him, and he had as much right over his descendants as he kept for himself over his children. For if he had judged it to be to his advantage, he could have been harsh and severe in keeping his children in a condition of slavery, so that all those descending from him, even a very long way down the  
 266 line, would have been born into the same servitude. Let us suppose that Adam had made use of this right, and that his life had extended through many centuries, and that his descendants, during his lifetime, had spread throughout the world and filled every part of the earth with colonies. Here we shall have one lord of the entire world, who without any violation of the law of God has placed the entire world and its inhabitants into subjection. Thus, it is not contrary to justice that some one person extends his dominion throughout the entire world and over all men.

The law of God commands me to love my neighbour as myself, so that also according to the law of the Gospels each man is a neighbour to

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\* See pp. 111ff above.

himself, and the law is not so harsh that he is bound to help a man no matter how difficult a situation he sees he will be placed in. Let us now again suppose that Adam has freed his descendants, and has kept no right  
267 over them besides the paternal reverence owed to him. Imagine that all his offspring follow the same practice, and consider them as their own masters and not bound together by a single contract. They will not owe each other any mutual assistance by a decree of law other than what is commanded by the law of charity. But just as one is not a transgressor of that law if, while reserving ownership of one's possessions, one alleviates the poverty of a neighbour through a voluntary act of benevolence, or by every legitimate means causes the riches of the entire world to flow into one's city through trade, even though this can only result in the condition of the rest becoming worse, or, as when necessity compels two peoples to a war that is just on both sides, the people that is superior in war does  
268 not sin if it imposes harsh laws on the conquered nation so long as it considers them necessary for maintaining the stability of their state, so by the same right one will be free of tyranny if, owing nothing to one's neighbour beyond the common duties of charity, one makes use against one's neighbour of the things one thinks can contribute to one's health and preservation and render one's condition more prosperous. I shall not further draw out these reasons and arguments, since they have also been mentioned above.

And thus I conclude this letter. My eagerness to satisfy you and to prove my arguments has carried me rather a long way. If I have attained my goal and freed my opinion from harmful error while clearing of dishonour the character of the learned Mr Hobbes, who was already beginning to acquire a dubious reputation through the misdirected zeal of certain men, I shall not regret the work I have undertaken. If I fail in my aim, my conscience will keep me in a state of tranquility, knowing that I have driven myself to write solely from a love of discovering the truth and a desire to place it in the open. And since this should harm no one, I have no reason to fear that this letter will either displease you or disgrace me. Farewell.

THE END



EPISTOLICA DISSERTATIO DE PRINCIPIIS JUSTI ET DECORI





\* 2<sup>r</sup> Benevole lector,

Varia sors est eorum quibus aliquid in publicum edere usu venit: alios zelus et studium bene merendi de publico impellit; alios vindictae libido urget; alios studium honestae gloriae eò adigit: nonnullos cogit necessitas et officium, quo cujusque interest, famae atque aestimationi suae consulere; et amoliri eas de se hominum suspiciones, quibus nobis adesse putant, aut talia vitia, quae non sinunt nos amplius in honestorum numero haberi, aut talia dogmata, quae à vera pietate, si quis juxta ea vitae cursum dirigat, nos longè remonent. Posterioribus suspicionibus circumventus is est, qui *authoris alicujus dogma suum facit,*<sup>1</sup> quod à plurimis gravis erroris aut impietatis damnatum est: quod dogma si ab ejus patrono

\* 2<sup>v</sup> tale habeatur, ut vitio carere, et | simul insignem usum conferre posse societati humanae putetur, si fidem apud homines inveniat: illum certè jam duplex ratio ad scribendum meritò impellit, studium consulendi integritati famae, et ineundi aliquam gratiam à publico.

Eo in loco cum causa nostra esset, nolimus deesse officio illi, quo quisque honoris sui rationem habere tenetur, de eo quod publico debemus non admodum solliciti: agnoscentes quàm parum instructi essemus iis donis et artibus, ex quibus ad publicum aliquis fructus permanare posset. Cum itaque vir in Philosophia egregiè doctus, et cui mea probare maxime studebam, à me in quibusdam dissentiret, et dissensus rationes mihi proderet, absurdorum catalogum recensens, quae principia, *(sequi videbantur Clarissimi Hobbaei, cujus vestigiis in doctrina morum insisto;)*<sup>2</sup> pulcherrimam occasionem, quam amittere nolui, mihi oblatam credidi, quae

\* 3<sup>r</sup> et *(Authorem,)*<sup>3</sup> et me | ab erroribus purgarem: existimans nunquam cum majori fructu in aliquo laborem collocari posse. Praevidebam enim si eum in sententiam nostram pertrahere licuisset, cum reliquis adversariis congressum ludum et jocum tantum futurum. Alacri itaque animo ad epistolicam responsionem me accinxi, quae, dum me studium praestanti viro satisfaciendi impellit, in libelli molem sub manu crevit.

<sup>1</sup> Replaced in 1680 by: 'in authoris alicujus dogma propendet,'

<sup>2</sup> Replaced in 1680 by: 'quae amplexus sum, sequi videbantur,'

<sup>3</sup> Replaced in 1680 by: 'istaec principia illustriora redderem,'

Scopus scriptionis primarius est, (probare legitimam Clarissimi Hobbaei procedendi rationem esse, quam observat in eruendis legibus naturalibus, et iis quae primis capitibus continentur: reliqua etsi omnibus laudibus prosequenda putem, propter insignem industriam, quae sese ubique prodit, extra eorum tamen commercium esse volo: et quid in iis culpandum censeo, addidissem, si id ab instituto plane alienum non fuisset, et cum majori fortassis periculo censorem egissem, quam si me omnia |  
 \* 3<sup>v</sup> approbare professus fuisset. Notum est cuivis, quanti periculi res sit, velle definire articulos fundamentales, idque homini privato, nulloque praesidiis munito, quique ad omnes calumniarum ictus patet. Potius itaque me temperavi, multorum exemplis doctus, quàm nulli hoc feliciter cesserit: et nullibi noster author majori laborat invidia, quàm ubi de religione Christiana disserit.)<sup>4</sup>

Leges itaque naturales, et quae ex iis immediatius fluunt, (legitimè ab Hobbaeo demonstratas esse,)<sup>5</sup> viro docto probare conati sumus: quomodo autem illi placuerim hic non opus est recensere; cum neminem inter authoris sectatores habeam, nisi qui ratione duce in ejus partes transeat: nume||rum eorum non curans, qui autoritate tantum aut testimonio praestant alicujus viri innixi, aliquod dogma sine ulteriori examine 958  
 \* 4<sup>r</sup> eum talia | juris et aequi principia traditurum fuisse, quae tam parum à nostris abfuissent, ut meritò nostrarum partium haberi potuisset: atque lubens potius ejus auctoritatem adversariorum calumniis opposuissem, quam hoc nostrum quaecunque scriptum. Non parum enim refert à quo alicujus Patrocinium suscipiatur: sed cum coelesti sedi redditum sit illud pignus, quod fata terris ad tempus commodarant; et interim gliscat quotidie eorum numerus et autoritas, (qui celebrem nostrum authorem, cum insigni damno studii Politici et Ethici suppressum optant, et è manibus studiosorum sublatum:)<sup>6</sup> contra eundum putavimus, et tam insignem cladem à doctorum republica averruncandam, si fieri posset. Ego enim de his principiis legum naturalium sic existimo, aut haec admittenda esse, aut in ambiguo et ancipiti haerendum viro, qui factorum suorum aequitatem

<sup>4</sup> Replaced in 1680 by: 'probare legitimam procedendi rationem esse, quam observamus in eruendis legibus naturalibus; ponentes pro lege fundamentali, et a qua reliquae manant, *conservationem sui*: adhibita aliqua distinctione, quae in ipsa Epistola traditur.'

<sup>5</sup> Replaced in 1680 by: 'legitime ex prima jam memorata lege demonstrari posse.'

<sup>6</sup> Replaced in 1680 by: 'qui principia quae tueor, cum insigni damno studii Politici et Ethici (ut ego quidem arbitrator) suppressa optant.'

\* 4<sup>v</sup> solida ratione sibi atque aliis probare | nititur: quam neminem in instinctu naturali, notionibus communibus, consuetudine morationum gentium, et id genus aliis, invenire posse, mihi certum et exploratum est: (et aliis ejusdem rei)<sup>7</sup> fidem facere esset in proclivi, si non praeviderem impios rapturos nostra argumenta, et ex argumentis probatam rem, in occasionem vitae malè instituendae. Fortassis enim prius talibus persuaderem, ut est hominum natura à virtute ad vitium prona, communium principiorum ambiguum fidem, quàm nostrorum immutabilem certitudinem.

Sed inquires: an ergo hactenus tot retrò seculis, quibus studium Ethicum et Politicum excolitur, haec veritas in puteo abdita latuit, et hominum eruditorum industriam effugit: et nunc demum à (nobili Anglo)<sup>8</sup> in lucem protracta, et sub aspectum posita, quae tamen ne nunc quidem sui commendatione multorum ingeniis sese insinuat?

\* 5<sup>r</sup> Nos hoc telum idiotis | cum doctis commune, hac ratione declinamus: rem ipsam, hoc est, virtutes morales et politicas fuisse, earum aequitatis multis probationem susceptam, nec infeliciter eo labore quosdam defunctos, ut erat captus seculi, lubenter agnoscimus: ex iis tamen principiis deduxisse sua argumenta, quae ab ingeniosis, et non nisi certa et indubitata admittentibus, in dubium merito vocari potuissent, asserimus. Cum enim antehac nec ipsi suam, nec alii aliorum industriam exercuerint hoc dubitandi de omnibus artificio, etiam nunquam factum est, ut multa illa principia, incerta si ulteriori probatione non innitantur, ad unum aliquod principium deducta sint, sine quo principio reliquorum certitudo nutat et vacillet.

Praeterea si quisquam nobiscum perpendat, quae requirantur, priusquam veritas aliqua, aut nusquam cognita, aut antehac provulgata, negligentia autem et in|curia | rursus tenebris immersa, in apertum producat: 959  
\* 5<sup>v</sup> tur: neminem amplius admiratio detinere poterit, quomodo totis seculis, etiam pro eruditis habitis, veritas latere potuerit.

Primò summam et minimè protritam industriam ad hoc requiri certum est: at quam rara talium ingeniorum copia omni aevo fuit? Deinde ex eorum exiguo numero quàm pauci, qui litteris ex toto animo sese addicunt? Et ex iis qui litteris operantur, quàm pauci, qui veritatis studio sese applicant?

<sup>7</sup> Replaced in 1680 by: 'quatenus nimirum post turbatum humani generis per crimen primorum parentum, statum, de utilitate, imo necessitate legum naturalium iudicium institui potest: et longius hanc rem accersissem, et aliis ejus'

<sup>8</sup> Replaced in 1680 by: 'nonnullis'

Alii linguarum peritiam quaerunt, alii Historiarum cognitionem: pars in lectione Patrum tempus et industriam collocat: nec desunt, qui dum totum disciplinarum orbem complecti volunt, in singulis summa vestigia rerum persequi sat habent. Alios eruditionis fama praematura ad negotia publica et Academica evocat, ubi vix ex publicis curis aliquid residui comparcere possunt, quod veritatis indagations impendant.

\*6<sup>r</sup> Praeterea qui | jam omnia illa impedimenta eluctati, unicè veritatis studio sese <applicant,><sup>9</sup> quot praeterea in iis requiruntur, antequam talium industria in bonam frugem possit excrescere? Primò animus praejudicii vacuus: at facilius fortassis erit aliquem invenire, qui illum gradum eruditionis attingit, ad quem vis ingenii humani eniti potest, quàm virum in tantum libertatis amantem, ut omnibus praejudiciis sese evolvere possit. Pauci sunt, qui antequam ad accuratum alicujus quaestionis examen accedant, non declararint suam sententiam: pauciores qui priorem sententiam revocare parati sint, ne errasse videantur: praesertim si alius famâ ipsis inferior, aut cui illam laudem invident, viam monstraverit: aut si id corrigendum sit, quo hactenus gradum affectarunt ad honorem et gloriam.

\*6<sup>v</sup> Non pauci tantum dant amicitiae, ut veritatem profiteri vereantur, ne amicum, cujus interest illam veritatem opprimi, | laedant. Alii si nova prodenda sint, adeo metu retinentur, ut malint iis publicum fraudare, quàm tantillum periculi subire, quod metuunt ab iis, qui omne quod novum est, promiscuè insectantur. (Qui verentur,)<sup>10</sup> ne aestimationis suae possessione dejiciantur, si talium dogmatum vigeat autoritas, quorum nullam aut exiguam habent cognitionem; et quibus se redactos vident ad primorum elementorum cum tyronibus studium: et haec potissima ratio est, quare nemo ea, quae in juventute perperam didicit, abjicere velit.

Multi antiquitati tantum tribuunt, ut nefas esse putent latum unguem ab ea recedere: et vetus atque profunda illa tam altis innixa radicibus opinio, multa dogmata aetatem ferre fecit, quae nullo quam vetustatis titulo sese commendant: quasi veritas annis reputanda esset, et ad fastos recurrendum, quando de dogmate incidit disceptatio. Et hae quidem sunt rationes quare multi, | qui veritatis studio operam dant, veritatem tamen assequi non possint.

Erui autem aliquando nostra aetate veritatem non posse, quae prioribus seculis latuit, id est naturae convicium facere, quae nunquam effaeta,

<sup>9</sup> Replaced in 1680 by: 'dant,'

<sup>10</sup> Corrected in 1680 from: 'Verentur enim,'

sed continuo vigore efflorescens, non desinit semper nova quaedam producere, quibus sui contemplatores in admirationem rapiat. Neque veteribus aut novis exemplis care||mus quibus constat omni ferme aevo, ali- 960 quam veritatem negligentia hominum ad imum usque, ut ita dicam, demersam, vel unius industria ad summum reductam, et sub aspectum positam: ita ut quicquid novitatis titulo venit, id ideo odiosè rejiciendum non sit.

Quod autem plurimi qui docti audiunt, ⟨nostri authoris⟩<sup>11</sup> principia non admittunt, quid quaeso mirandi ea in re occurrit? Nunquam tam bene sese res humanae habuere, ut quae optima essent plurimis placerent: et  
 \*7<sup>v</sup> non pauci falso eruditionis nomine | gaudent, quorum tota eruditionis fama permanavit in publicum, vel à domesticis quibusdam authoribus, gratiâ aut pretio ad id conductis, aut à pullata plebe; ex quibus non pauci sunt, qui vulgi vitae et religionis moderatores sunt, qua professione nulla datur compendiosior via ad inanem gloriam.

Non paucis, ab eruditione commendatis, sufficit cognoscere sectas, opinionum discrepantias, authorum scripta, et receptae doctrinae superficialiam habere cognitionem: quae communiter sufficere potest in colloquiis, ad tuendam eruditionis famam: caeterum in hoc erudito seculo non magis proficiunt in agnitione veritatis, quàm illi, ⟨qui vicorum novorum nomina, in urbe per confluum populi saepe necesse habente pomae-  
 ria sua extendere,⟩<sup>12</sup> addiscunt, modi et formae regiminis civitatis, quam incolunt, plane rudes. Aliis in usu est novorum doctorum scripta adeo per-  
 \*8<sup>r</sup> functorie, et fugiente ut ita dicam | oculo lustrare, ut plane impossibile sit authoris mentem tam citò haurire: jam persuasi nihil quod à suis principiis recedit, examine ulteriori dignum esse.

Aliquando etiam tantum valet paucorum doctorum factio, ut eorum studiis, aliorum omnium eruditorum celebre aut obscurum nomen contineatur. Sunt etiam non pauci, qui eruditi cluent, quorum hoc est artificium, ut criminando aliorum scripta, sua extollant et in pretium adducant, per ruinam famae aliorum irrumpentes in arcem gloriae, cum tamen non raro damnati authoris remis velisque usi sint in sua velificatione.

Atque hae sunt causae quare bonus aliquis author, apud eruditos saepe applausum non inveniatur: quas si quis aequâ iudicii lance perpendat, in posterum, ut existimo, majori cum diligentia et fructu in omnium authorum genere versabitur. Et hanc ob rem longiorem hanc praefationem

<sup>11</sup> Replaced in 1680 by: 'haec moralitatis'

<sup>12</sup> Replaced in 1680 by: 'qui urbis vicorum nomina'

\*8<sup>v</sup> praemittere volumus: tum ut malis | quorundam artibus obviam iremus, cum plurimum intersit ne tam exitiosa res eat in exemplum: tum ut lectorum palatum tamquam promulside excitaremus, quod non pauci, auctoritate aliorum seducti, corruptum habent, ad ea degustanda cum fructu, quae (in auctore nostro continentur: quae talia esse mihi longa experientia constat, ut brevi aliquem consummatum reddere possint in Ethico et Politico studio,) <sup>13</sup> si constanti meditatione in succum et sanguinem convertantur; et id huic auctori proprium est, ut profunda meditatione, qua in scribendo usus est, etiam legi et ruminari debeat). <sup>14</sup>

Si autem ex nostro hoc qualicunque scripto aliqua lux affulgere possit (praestanti illi auctori,) <sup>15</sup> qua veritatis studiosis aditus in haec arcana detur faciliior, gratum erit, et publico profuisse, simulque (authoris, et eorum qui vestigiis ejus insistent,) <sup>16</sup> famae consuluisse. Vale.

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<sup>13</sup> Replaced in 1680 by: 'a novis Auctoribus traduntur; quorum aliquam partem talem esse usu comperi, ut cum singulari utilitate in eorum lectione versari liceat,'

<sup>14</sup> Deleted in 1680.

<sup>15</sup> Replaced in 1680 by: 'istis Ethicae principiis,'

<sup>16</sup> Replaced in 1680 by: 'illorum, qui hanc sectam sequuntur, et ideo male audiunt apud quosdam,'

EPISTOLICA DISSERTATIO DE PRINCIPIIS JUSTI,  
ET DECORI, CONTINENS APOLOGIAM PRO  
TRACTATU CLARISSIMI HOBBAEI, DE CIVE<sup>17</sup>

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- 1 Vir Clarissime,  
Cum nunquam non tuae litterae mihi adveniant gratissimae; tum quia  
semper insignem et admirandam tuam eruditionem declarant: cum  
etiam, quia ex iis praecipuos illos amicitiae fructus colligo, quos candida et  
minime fucata admonitio conferre solet. Testatum hoc facit inter multas  
2 alias, nupera tua epistola, qua pro morum | tuorum candore, et summa tua  
in Philosophicis scientia, me commonefacere voluisti quarundam difficul-  
tatum, quas post se trahere videtur mea de Principiis juris sententia: quo-  
rum dicis tantum causa, et perfunctorie mentionem feceram: qua admo-  
nitione nihil gratius mihi evenire potuit. Quod autem sententia nostra  
tibi tot errorum, et difficultatum suspecta fuit, natum id inde esse video,  
quia videbas eam cum principiis (Clarissimi)<sup>18</sup> Hobbaei magnam affinita-  
tem habere: qui author sicut audio, jam malis rumoribus differtur, ac inter  
perditissimos hujus corrupti saeculi authores recensetur: et graves censu-  
rae in eum stringuntur. Sed imposuit tibi, vir Clarissime, praeoccupatus  
animus, quasi ego omnia albo calculo approbarem, quaecunque (à Cla-  
3 rissimo Hobbaeo)<sup>19</sup> dicta sunt: aut ei per consequentias | solidas attribui  
possunt. Fateor me incidisse in illum authorem, sicut in multos alios: et ex  
ejus scriptis<sup>20</sup> multum mihi parasse praesidii in decidendis per rationem  
controversiis de aequitate, et justitia. Et quando occasio incidit, non pos-  
sum non (gratum meum animum testari: et laudando viri industriam, illi  
vices rependere, à quo me summo beneficio affectum puto, quod librum  
suum seculo consecraverit.)<sup>21</sup> Et certe quod aliud redhostimentum viris  
doctis, qui avarè suis studiis pretium non posuere, praestari potest, prae-  
ter nominis et famae celebritatem? At inquires: multa periculosa continere  
ferunt viri scriptum: et cum magno discrimine veritatis ad nova transitur

<sup>17</sup> Deleted in 1680.

<sup>18</sup> Deleted in 1680.

<sup>19</sup> Replaced in 1680 by: 'ab illo Auctore'

<sup>20</sup> Inserted in 1680: 'parumper inflexis et mutatis,'

<sup>21</sup> Replaced in 1680 by: 'istum meum animum testari laudando viri industriam.'

dogmata. Sed quis unquam ita commodè scripsit, ut acerrimi censoris  
 4 virgulam potuerit effugere, et alicubi non appareant salni iudicii deliquia? Quis unquam tentavit facinus magnum et memorabile sine periculo? Quanto satius cum discrimine aditum sibi facere ad utilissima, et non vulgata, quam semper, ut ita dicam, littus legendo, inhaerere communibus, quorum pauca sunt, quae accurati scrutatoris examen sustinere possunt? America nobis adhuc esset terra incognita, et amplissimis gazis carendum nobis fuisset, si audax humanum genus sese non proripuisset ultra consuetos navigationis terminos: nec quisquam eorum institutum improbat, licet tot naufragia eam navigationem funestarint. At quis ferat istorum nautarum petulantiam, qui dum nunquam navim in altum provehere audent, unicum tamen hoc agunt, ut aliorum errata et naufragia  
 5 contemptim traducant? Sic illi mihi videntur insigniter in bonos | mores, et utilitatem publicam peccare, qui maledictis doctorum virorum industriam avertunt ab investigatione veri. Eorum enim labor si voti metam attingat, || cedit in bonum publicum: si excidant scopo, diu error latere non potest, quin aliorum industria eum in lucem protrahet: quod si modestè fiat, peribit quidem indagatoris labor; salva tamen et integra manebit ejus fama et aestimatio. Quare equidem non damno eorum institutum, qui authorum cum quibus ipsis minus convenit, refutationem instituunt: sed modestiam desidero in multis, et animi aequitatem. Quid enim moderati ab iis expectes, qui priusquam etiam ad manus ventum est: aut ab eo, quem adversarium sibi concitant, aliquid damni passi sunt, quod ipsis  
 6 bilem movere possit, in apparatu tantam ostendunt ferociam: quasi jam profligatum facinus, et quovis cothurno truculentius commissum esset ab adversario. Crede mihi, Vir clarissime, nunquam tales litarunt gratiis, nec sciunt, quid requirat humanitas.

(Nullum me convenisse memini, qui in libello culpanda non invenerit: in nullos tamen incidi, qui aequum arbitrentur libellum ex manibus studiosorum, qui erectioris sunt ingenii aut indolis, excutere, aut tenebris damnare: sed sufficere existimant in talium scriptorum genere, si defectus et naevi perfunctorio dissensu transeantur, reliqua debito honore non fraudentur.)<sup>22</sup> Et certè quàm multo usu fructuosius est, hujusmodi

<sup>22</sup> Replaced in 1680 by: 'Nulli tam feliciter et ex animi sententia cecidit libri alicujus editio, ut aut errores, aut saltem Censores effugere potuerit: in nullos tamen incidi, qui aequum arbitrentur ideo libellum ex manibus studiosorum, qui erectioris sunt ingenii aut indolis, excutere, aut tenebris damnare, quia non vacat omni naevo: sed sufficere existimant in talium scriptorum genere, si defectus notentur, reliqua debito honore non fraudentur.'



7 authores legere, quam in eorum scriptis evolvendis tempus terere, quorum authores nihil ingenio promptum, nihil industriâ paratum habentes, sed quasi aperto | raptu, et populatione victitantes, aliorum multo labore partam gloriam in se transferunt: et scripta aliorum, foris intima, et intima extus convertendo, pro suis in publicum protrudunt. Sed quid attinet me <vel clarissimo Hobbaeo, vel scriptoribus ejusdem genii patrocini-  
commodare: ego enim ejus disciplinae, neque cujusquam hominis alumnus sum:><sup>23</sup> neque quicquam hic mihi praecipuum et singulare à communi causa, quâ veritatis studium promovere quisque tenetur.

<Virum autem esse puto haud seculo poenitendum: et si juxta ejus principia in Philosophia morali navigationem quis instituat;><sup>24</sup> in nonnullis parumper obliquando cursum, felicissimâ velificatione portum obtineri posse existimo. Ne autem videar <eum hic temerè magnificè efferre,><sup>25</sup>  
8 lubet periculum facere, strictim deli|bando singula, quae ad justitiam et aequitatem naturalem pertinent: totum enim stadium decurrere, litterarum angustiae non ferunt. Et ad id eo lubentius me accingo: quod hâc ratione, et argumenta tua, quae suspiciosus animus tibi suppeditavit, diluam, et quae <in illo auctore><sup>26</sup> culpanda aut imitanda putem sub aspectum ponam. Et ita meam sententiam tibi, et aliis viris candidis probatum iri confido.

Ut autem methodicè omnia procedant, quaedam quae extra controversiam sunt praesupponemus: ut nexus totus à summo ad imum melius appareat. Deum esse praesupponimus itaque: ipsumque mundum creasse in sapientia pariter nobis concedi petimus. Eundem virtutes justitiae et veritatis exercere velle in mundi regimine, etiam assumimus, quia nullus  
9 Christianus hoc potest ire infi|cias: et cum atheis hic mihi negotium esse nolo. Ex his postulatis, et datis, haec porismata et consequentias educimus. *Primò*: Deum in creando mundo sibi finem proposuisse: quid enim aliud est *sapienter* agere; quàm media dirigere ad finem? Ubi itaque finis nullus est propositus, ibi sapientiae locus non est reliquus: sed cujusque libido, in agendo tunc erit auspici-  
um. *Secundò*, concludimus media in

<sup>23</sup> Replaced in 1680 by: 'hujusmodi scriptoribus patrocini-um commodare: ego enim nullius nisi Christi disciplinae, neque cujusquam hominis alumnus sum:'

<sup>24</sup> Replaced in 1680 by: 'Principium tamen illud *de conservatione sui* commode explicatum bonum et rectum esse puto: et si juxta illud in Philosophia morali navigationem quis instituat;'

<sup>25</sup> Replaced in 1680 by: 'illud temere plus quam par est, efferre,'

<sup>26</sup> Replaced in 1680 by: 'in auctore istius principii'

se habere debere aptitudinem ad finis consecutionem: alioquin Deum Optimum maximum propter finem operatum esse dici non posset. Qui enim ex sapientia agit, dum finem vult, etiam vult media isti fini appositae: alioquin simul vellet, et non vellet. Inde etiam id ultro sese offert: scil. sciri non posse, quid Deus de mediis fieri statuerit; || nisi nobis innotescat 963  
 10 finis. *Tertiò*, concludimus hominem non im|punè laturum si deviat ab illo ordine, quem ab homine observari vult Deus in consecutione finis, quem sibi et homini proposuit: et praemio afficiendum illum, qui vitam et mores instituit juxta ordinem à Deo praescriptum. Nihil enim innuit aliud justitia Dei, praeter poenarum et praemiorum legitimam distributionem: ut scil. malis acerba sit conditio, bonis grata et optata: neque hic aliter accipi volumus *veritatis* vocabulum: quod, quando de justitia sermo instituitur, ab eadem in significando non discrepat. Ex praedictis omnibus collectio infertur: esse virtutem, et vitium morale: et hominis officium esse priorem prosequi, posterius defugere.<sup>27</sup>

<sup>27</sup> Replaced in 1680 by: ‘, non tantum esse virtutem et vitium morale; quod notionibus communibus sua sponte cognoscitur: neque ex utilitatis et commodi ratione forma virtutis petenda, sed ex ratione ipsa; cujus rationis nova ratio quaerenda non est: quia tunc res abiret in infinitum. Neque illa ratio ideo nititur commodo et utilitate illa, quam cultus virtutis effundit in societatem civilem: quasi de virtute nullum esset judicium, si ex ejus exercitatione non ostentaretur fuga multorum incommodorum, et comparatio multarum utilitatum: et quasi istorum malorum et commodorum per virtutis usum aestimatio atque consideratio nobis peperisset ideam atque notionem virtutis; et non aliquod numen illam vim nobis ingenuisset. Nam tunc in statu integro, in quo homini nihil infestum erat, notio virtutis hominem fugisset; et virtus non per se et sua caritate expetenda esset, sed utilitatis et commodi causa: quod sensus communis respuit. Non itaque ex praecedentibus colligere volumus rationem formalem virtutis: sed ostendere quare etiam nunc post hominis lapsum, qui turbavit et vertit omnia, hominis interest virtutem sectari, ut sibi paret commoda et vitet incommoda: quae est alia ratio considerandae virtutis, quam ea quae in statu integro usum suum habebat: nam cum tunc malum aut noxium homini non erat cognitum, nunquam illi nasci potuit idea et ratio virtutis sub forma consideratae, qua utilis existit ad paranda commoda et averruncanda mala; sed tunc exercebat virtutem, quia et sancta ejus natura eum eo ducebat. Et moneo virum Clarissimum me hic de virtute et vitio loqui consideratis sub forma posteriori: et quemadmodum alia est consideratio usus edendi, bibendi creaturarum, etiam passionum hominis, quatenus post lapsum considerantur ut media, quibus vitam tueamur contra mortem, morbos, et hominum infestos conatus: alia illorum omnium consideratio, quatenus ante lapsum, hominis vita nullis malis petita, homo non ex metu mortis et spe propagandae vitae metui mortis opposita, existimabat earum rerum pretium et dignitatem, ita virtutum et vitiorum ex duorum illorum statuum varietate, varia et diversa est aestimatio: et cui haec animo percepta sunt, ei nunquam deerit accommodata responsio ad ea, quae contra hanc doctrinam, quam nunc tuemur, objici solent.

Secundum quod ex praecedentibus colligitur, est hominis officium esse virtutem prosequi, et vitium fugere.’

11 *Finis* scil. constitutio differentiam virtutis et vitii facit: justitiae et veritatis exercendae *decretum*, vel potius naturalis in Deo necessitas, hominibus et omni creaturae liberae necessitatem imponit studii virtutis, et fugae vitiorum. Nam licet per ordinem in mundo constitutum, decori et indecori notitia sese prodat; non video tamen inde deduci posse hominis officium esse, pulchritudinem illam sectari, si ex turpi re plus voluptatis sit percepturus. Postquam autem gravem poenam sibi imminere intelligit homo, si virtuti non studeat, videt tam sibi necesse esse virtutem sectari, quam dolorem fugere.

His ita praemissis, nemo non videt duo creaturae rationali incumbere. *Primò*: inquisitionem in voluntatem divinam: an scil. velit nos Deus scire quae sunt illa multa, quae à nobis praestanda sunt in ordine ad finem, 964 quem Deus sibi proposuit; an verò hominem fecerit sui juris agendi quod lubet. *Deinde* investigationem finis, et ordinis quem Deus nos observare vult in consecutione finis. Dei autem beneplacitum, imò voluntatem esse, ut nobis innotescat nostrum officium, ex superioribus liquet: quia vult exercere justitiam, cui locus esse non potest, si ex invincibili ignorantia in ordinem à se constitutum peccetur. Ergo illius ordinis cognitio homini impossibilis non est: et Deus media suppeditavit rationali creaturae, quorum praesidio sibi viam affectare potest ad illam cognitionem. Tota jam disputationis moles et difficultas devoluta est eò, quae scil. via insistenda sit creaturae, ut certò ducatur ad cognitionem Dei voluntatis.

De via indicata per revelationem hîc difficultas nulla est:<sup>28</sup> sed de via, quam gentiles, quibus oracula Dei nunquam concredita fuere,<sup>29</sup> ingredi debent, simul etiam de ea, quâ illae difficultates expediuntur, quae solutionem manifestam in Sacra Scriptura non reperiunt; sed discursu indigent. Relictis variis variorum de hac controversia sententiis, ego ipso facto ostendam, quam viam ingrediendam putem: tu, Vir Clarissime, spectator esto: si ex hoc labyrintho me expediam, tu fili ductum et vestigia sequendo, procul à periculo ad arcem veritatis mecum penetrabis: si minus feliciter succedat inceptum, ego laborem et damnum solus in me receperim.

<sup>28</sup> Inserted in 1680: ‘; neque de via quae obtinet in statu integritatis, in quo homo virtutem sectatur, quia sanctus cum sit, sancta ejus natura eo aurigatur, et virtutem novit, non quia aliqua utilitas ea paratur, sed quia exercitatio naturam sanctam sequitur.’

<sup>29</sup> Replaced in 1680 by: ‘(rebus humanis per peccatum nunc turbatis et confusis)’

*Fundamenta quarumlibet legum eruuntur*

Si placeat fingam me omni disciplinâ vacuum, omnibus principiis destitutum: iis exceptis, quae supra mihi largiri petii. Scio itaque Deum esse, eum creasse mundum in sapientia; finem sibi proposuisse: et per consequens media ad ejus consecutionem ordinasse: me mediorum partem  
 14 facere: atque adeo Deum à me | etiam officium postulasse, idque judicasse: sed velle ut liberè id eligam; quod si fecerim, praemium mihi paratum esse, si secus, poenam denuntiata, et certò eventuram: atque adeo mihi amplius integrum non esse obsequi-ne velim meae libidini; an Dei voluntati.

Ex ratione *finis* itaque in genere considerati, sic argumentabor: Quaecunque naturâ suâ ita sunt comparata, ut finem in creatione mundi à Deo intentum impediunt; illa omnia *jure naturali prohibita* sunt. Quaecunque autem istius sunt naturae ut sine iis finis obtineri non possit, illa omnia *jure naturali sunt imperata*. Atque haec mihi videtur vera atque unica methodus, per quam venire licet in cognitionem earum rerum, quae jure naturali prohibita aut imperatae sunt. Et nullam harum legum Deus  
 15 jam irri|tam reddere potest: cujus sententiae ultrò sese veritas offert, quia alioquin Deus simul aliquid vellet, et non vellet: vellet finem; et tamen non vellet media necessaria ad consecutionem finis. Quare sicut id verissimum est, quod inter sacrorum et jurisconsultos est tritum admodum: scil. *quicumque dat jus ad finem; dat etiam jus ad media sine quibus ille finis obtineri non potest: et necessitas finis facit jus in moralibus*. Sic verissimum est, respectu Dei: qui vult finem, vult necessariò illa media, sine quibus ille finis obtineri non potest: et ideo Deus tales leges abrogare non potest.

Recolligo rursus vestigia, et sicut supra diximus, vel res generaliter in se consideratae requiruntur ad acquisitionem finis: et circa illas versantur *praecepta affirmativa naturalia*: vel generaliter, et extra omnes circumstantias | consideratae res, impediunt finem, et circa illas versantur *praecepta negativa naturalia*: vel res ex circumstantiis mutabilibus acquirunt duplicem hunc ordinem ad finem, et tales praescribuntur aut prohibentur  
 16 *jure permissivo naturali*: suntque *affirmativa, vel negativa*. Et ex hoc jure permissivo naturali oriuntur *leges humanae* tam particulares cujusque civitatis, quas *municipales* vocamus *et regni*; quam *leges gentium* quae mediata ex jure naturali non fluunt. Est enim jus gentium duplicis naturae: unum quod propriè loquendo est juris naturalis: sed denominationem illam mutuatum est, quia est jus, quod genti cum gente, nationi cum natione intercedit; licet in suo formali non differat à jure naturali: 965

17 quale est illud *jus legatorum*. Aliud est, quod in suo formali non conve-  
nit cum lege naturali; | sed cum lege humana, et jure permissivo naturali  
introductum est; vocaturque *jus gentium*, quia inter gentem et gentem  
locum habet, vel quia plurium gentium consuetudine et usu, legis vigo-  
rem accepit: quale est illud, quod tela et instrumenta bellica, nec fontes  
veneno inficere liceat: aut hostem per subornatum sicarium interficere.  
Mihi enim licet jure naturali omnibus modis nocere inimico, et ea media  
adhibere, quibus confido hostem in ordinem posse redigi, si citra perfidi-  
am fiat. Obtinet tamen inter gentes moratiores, talia non amplius ex  
aequo in hostem intentari, ne nimium intendantur pericula ab utraque  
18 parte: atque ideo tales leges mutari possunt, et saepe mutantur, sicut con-  
tingit in legibus humanis. Priores leges gentium, mutationem non admit-  
tunt, quia ex jure naturali | *imperante*, aut *prohibente*; non *permissivo*,  
fluunt.

Et hinc liquet omnes illas leges, quae auctoritate humana feruntur, vim  
et auctoritatem legis aequae et justae non attingere, si pro fundamento  
et ratione intrinseca non habeant jus aliquod naturale: hoc est debent,  
vel remove impedimenta, quae obicem ponebant finis consecutioni:  
vel conferre subsidia, quibus finis promoveatur: alioquin injustae sunt.  
Nullus enim magistratus in subditos plus juris sibi acquisivit, quam quod  
promovendo isti fini conducit: neque privatus, in jure et statu primaevio,  
plus juris habet in proximum: aut in illum ex aequo sibi acquirere potest,  
quam judicat expedire conservationi sui, et consecutioni finis, ad quem  
acquirendum eum Deus constituit. Quo pacto autem haec accipienda  
19 sint, | postea explicabitur accuratius.

Quaecunque autem res talis naturae sunt participes, ut neque obsint,  
neque prosint: illae naturae indifferentis in moralibus sunt: nec bonae,  
nec malae vocandae: quales actus sunt ambulare, stare, edere hoc vel  
illo tempore. Cum autem saepius inculcaverimus eas res lege naturae  
prohiberi, aut imperari, quae fini, quem Deus in mundi gubernatione  
intendit, obsunt, aut prosunt, loquimur de tali commodo et incommodo,  
quod momenti aliquid consideratione digni ad finis consecutionem aut  
remotionem confert: quae enim, aut levissimum aliquod damnum affe-  
runt, quod cum relatione ad finem, eo nomine vix, aut ne vix quidem  
dignum censetur: aut quae minus sunt utilia; non tamen in finis consec-  
20 tione obicem ponunt: eorum usus ideo | peccatum non est. Et hinc *primò*  
inferimus, non semper jure naturali aequum esse eas leges civiles abro-  
gare, quae quidem suo tempore cum promulgarentur utiles erant, prop-  
ter circumstantiarum tamen mutationem, eum usum jam amplius prae-  
stare non videntur. Licet enim magistratus officium sit cives suâ libertate

naturali non privare extra necessitatem: atque adeo omnes illae leges  
 (iniquae sint)<sup>30</sup> quae temerè, et sine fructu civium libertatem naturalem  
 imminuunt; id tamen tantum intelligendum est de tali imminutione, quae  
 civem in damna non contemnenda conjiciat. Eodem jure homini privato  
 multa licent: quae quidem non tantum non expediunt, sed etiam levi-  
 dense aliquod incommodum inferre videntur: v. gr. paulò plus indulgere  
 21 cibo et potui, quo perfectissimus ille || sanitatis status tur|betur: sumptus 966  
 et impendia facere praeter necessitatem, quibus rationes familiae levis-  
 simè turbentur: somno et otio indulgere, quo paulo deterior fiat uxoris  
 et liberorum conditio: vestimentis et indumentis uti, quae parum ince-  
 dentem et iter facientem remorantur: et quae his sunt similia. Et hujus  
 sententiae rationes mihi videntur esse in aperto: tam leve enim incommo-  
 dum in ordine ad finis consecutionem, suum nomen amittit. Quis dixerit  
 quaeso hominem peccasse, qui quinquaginta annorum spatio, quo rebus  
 humanis interfuit, unam horam sine fructu praeterire passus est, qua vel  
 studium promovere potuisset, vel rei familiaris commoda auxisse?

Atque adeo parum à nonnullorum sententia mihi deflectendum putavi,  
 22 quae docet, tales actus in genere indifferentes, cum | suis circumstantiis  
 tamen consideratos virtutum semper aut vitiorum in classe ponendos.  
 Quod mihi à veritate alienum videtur: cum tales circumstantiae facile  
 excogitari possint, quae actus propter rationes supra dictas suae naturae  
 primaevae relinquunt: neque in eorum sententiam pedibus ire possum,  
 qui docent, quicquid levissimum impedimentum ponit homini, id prae-  
 ter necessitatem, et evitacionem majoris incommodi suscipiendum non  
 esse: cum tamen tam leve damnum, inter mala recenseri non debeat; sed  
 inter ea, quae sunt minus bona. Nos equidem non fugit ab iis, qui à nobis  
 hic dissentiunt, minus utile, respectu majoris commodi, damnum vocari:  
 et per consequens id, quod nos minus promovet ad finem, agendum non  
 23 esse: cum nostri arbitrii et potestatis sit, id assequi, quod majiori com-  
 pendio hominem ad illum finem ducit. Sed falsissimum illud, quod finem  
 minus promovet, id finis consecutioni statim obesse, in quo vitii moralis  
 naturam consistere supra docuimus. Quis crediderit eum contra charita-  
 tis legem peccare, qui omnes homines eodem amicitiae loco non habeat;  
 sed selectum amicorum fecerit, ad quos fructus suae benevolentiae perve-  
 nire vult: neque reliquos tamen oderit; sed communi charitate prosequa-  
 tur? Si tamen omnes intensissimè amaret, proculdubio finis admodum

<sup>30</sup> Replaced in 1680 by: 'non recte ferantur,'

promoveretur: nunc quidem non ita promovetur, attamen non impeditur, sicut motus tardior navim non sistit, licet celerior motus eam citius in portum deferat. Scio equidem me hic paucos suffragatores habiturum: 24 attamen condonabunt hoc mihi multi. Ego lubens agnosco me ad tristem | illam et severam sapientiam non posse assurgere, qua ne manum quidem extendere, aut pedem attollere liceret, sine summa cura et attentione: et ubique materia vitii aut virtutis inveniretur.

Quod praeterea ex praecedentibus conficimus, est, sine peccato omitti posse aliquod majus bonum: modò id quod loco majoris boni agimus, ordinem et rationem causalitatis habeat ad finis consecutionem. Et hinc oritur materia votorum, et eorum operum, quae quidem sub poenae comminatione Deus à nobis non postulat: attamen gratissima ipsi sunt, et juxta ejus beneplacitum fiunt. Et haec est via indagandi, quae illa sint, quae Deo placent tamquam actus naturae legi conformes, et quae sint illa, quae Deus vult ut fiant propter preceptum et legem.

*Quomodo opera charitatis legi naturali subsunt*

25 Oportet autem haec opera non confundere cum operibus charitatis, quae justitiae expletrici opponuntur: cum longè horum ab illis distans sit natura. Opera enim charitatis jure naturae imperantur. Quis enim non videt hominum vitam acerbam et aerumnosam futuram, si ea tantum ab hominibus, quae justitia strictè dicta imperat, fieri oporteret: nunquam pactis homo sibi suisque ita prospicere potest, ut sine summo incommodo carere posset proximi operâ, quam charitatis instinctu ei praestat. Sunt autem charitatis opera, non talia, quae homo sine obligatione qualicunque praestat, sed quae vi pactorum explicitorum vel implicitorum non 967 exserit, nec quae justitia strictè dicta sic fieri imperat: et per consequens, quae tali jure proximus ab eo petere non potest; licet jure naturae obligetur | 26 ad ea, non minus quàm eodem jure teneatur ad pactiones tacitas, aut expressas ineundas, sine quarum pactionum constitutione, nemo vitam commodè degere posset. Atque hinc manifestum est, licet opera charitatis, quantum ad originem et principium ex eodem necessitatis fonte oriantur, quo pactiones et conventiones: quatenus nullae societates humanae iis carere possunt: in usu tamen et exercitio longe differre. Quae enim ex pactis et conventionibus proximo debeo, ea illi debentur propter jus quod in me habet, et acquisivit per voluntariam juris mei translationem: quod in operibus charitatis locum non habet. *Secundò*: in contractibus et conventionibus cum proximo, quicquid egi, id non tam propter proximum

27 feci, quàm propter meum commodum, cum in operibus charitatis | contrarium accidat. Nam licet operum charitatis exercitium necessarium sit in genere, ut homines commodè et ex facili aetatem agere possint; atque adeo in ejus etiam rationes et commodum redundet, qui opera charitatis exercet: in specie tamen hoc, vel illud charitatis opus, non propter se ipsum exserit; sed in illius gratiam, quem beneficium attingit: nam quoties privatum compendium ex beneficio quaeritur, illicò suo nomine et natura beneficium destituitur. Has distinctiones si quidam bene intellexissent, non ita temerè sibilis excepissent nostra principia, quae ex indigentia repetunt amicitiae et charitatis originem.

Quaecunque autem res morales istius sunt conditionis, ut neque in genere, neque in specie necessarium nexum habeant cum fine generali  
28 à Deo intento; illae | leges dicuntur esse juris divini positivi. Loquimur autem de fine generali, qui omnibus creaturis per universi creationem innotescit; non de fine singulari, quem sibi Deus potuit proposuisse in republica Israëlitica: et hâc regulâ distinguere oportet leges positivas Dei, datas populo Israëlitico, ab iis, quae sunt juris naturalis, et adhuc suam obligandi vim retinent.

Sed cum toties necesse fuerit mentionem facere in praecedentibus de fine, quem Deus per creationem mundi intendit, quique singulis innotescere potest, si per vitia et negligentiam mentem non excoecent: jam tempus et opportunitas efflagitat, illum finem in lucem proferre, quo nobis ad alia gradum faciamus, quaeque methodicè tractari non poterunt,  
29 nisi illa, quae de fine dicenda sunt, in antecessum den|tur. Hac ratione itaque pergo.

Ea à Deo intenta sunt, et hominem exequi vult, quaecunque ex creatione mundi, et ordine in eo constituto, homo judicat à se necessariò agenda, vel omittenda, nisi insignis aliqua disconformitas extitura sit inter suam actionem, et illam ad quam ordo mundi ipsum dirigit. Cum enim mundus in sapientia sit ordinatus, et homini partes agendi in hoc universo assignatae: ordo ille necessariò homini indicare debet, quodnam cujusque in agendo sit officium. Nam ut vulgatâ similitudine utar, si quis destinato consilio domum aedificat, proculdubio fit in eum finem ut hominibus usum praestet contra aëris injuriam, et reliqua incommoda quae extrinsecus homini incumbunt. Si itaque quispiam eò audaciae progrediatur,  
30 ut domum diruat, aut id agat, quo domus | usus impediatur, et dominus incassum laborasse videatur: is certè contra aedificatoris voluntatem egisse praesumitur: si scil. ex sapientia sese ad domus aedificationem accinxerit. Pari ratione ordo in mundo observatus, nos in actionibus dirigere potest, et indicare quod cujusque sit officium.



Cum itaque v. gr. ex praesuppositis constet, talem ordinem in mundo esse, qui à Deo originem habet, nec fortuitò extitit: || et ordinem illum summum sine sapientiâ summâ excogitari non potuisse: simul liquet Dei voluntatem esse, ut pro Deo sapiente ab hominibus agnoscatur.<sup>31</sup> Deinde cum creatio summam et infinitam denotet potentiam, sequitur hominis officium esse Deum pro omnipotente agnoscere: et cum appareat Deum justitiam aliquando exerciturum, justitiae attributum Deus sibi adscribi vult. Hâc | methodo mihi in proclivi esset, totum cultum naturalem deducere, si talis digressio operi plane aliena non esset. Quàm autem sit vera et certa haec procedendi ratio, neminem ut existimo fugere potest, qui praecedentia bene perceperit. Quomodo enim ea omnia agere vellet Deus, quae necessariò tales conceptus homini bene ratiocinanti ingenerant, nec vellet tamen tales conceptus de se formari: eadem enim ratione vellet aliquid, et non vellet: vellet media ordinata ad finem, nec tamen vellet ipsum finem; imo vellet media, quae necessariò talem finem producant; non vellet tamen ipsum finem. Haec ex diametro repugnant alicui operanti per rationem, et qui declaraverit, in mundi gubernatione se etiam homini suas partes assignasse; neque ei id juris concessisse, ut pro sua libidine vitam dirigat. Aut | enim haec unica via est perveniendi in cognitionem voluntatis Divinae circa ea, quae à nobis fieri vult(: aut nulla est:)<sup>32</sup> Loquimur autem de scientia, quae rationis ductu investigatur; non instinctu et naturali inclinatione innititur; quae quidem excludenda non est, et insignem suum usum praestat in scientia morali(: pro principio tamen, quod ad rationis trutinam appendi non debeat, assumere non oportet: sicut in sequentibus fusius probabitur. Et ita demonstratam putamus viam, quae nos ducit in cognitionem cultus naturalis: et quae ejusdem necessitatem declarant.)<sup>33</sup>

Sed ut inceptum persequamur: rursus me tanquam mundi partem contemplans, non fortuitò, sed prudentis et sapientis Dei consilio productus

<sup>31</sup> Inserted in 1680: 'At quandoquidem in me experior tale studium me conservandi ut illud nec a me sit ortum, et tamen tam alte mihi sit insitum et inclusum, ut ita dicam, sanguine et medullis, ut illud nec ejicere, nec evelli a me possit, recte inde concludo illum instinctum a Deo esse, et recte facere si illi paream.'

<sup>32</sup> Replaced in 1680 by: 'postquam peccatum nos constituit in statu, in quo via et rationes salutis expediendae sunt; et quibus nos tueamur a pestiferis, quae jam ubique terra marique dispersa sunt: haec inquam unica est via aut nulla est.'

<sup>33</sup> Replaced in 1680 by: 'nunc tamen sola principii dignitatem sustinere non potest: quia notiones primae me quidem docent virtutem esse pulchram, et sua sponte colendam; neque ejus rationem formalem et primam ab utilitate ducendam, sed nullus virtutis fructus homini per peccatum aerumnoso ostenditur ex prima illa consideratione. Sed ille fructus ducendus ex secunda consideratione virtutis; et in qua jam occupatus est sermo.'

sim oportet: examinandum itaque quid Deus de me fieri voluerit; quod  
 33 hac | ratione investigo. Id proculdubio in me conservari vult, quod si tollatur, frustra quasdam partes et proprietates mihi attribuisse videatur: quod in causa operante per sapientiam fieri non potest. Ante omnia autem<sup>34</sup> in me comprehendo esse summum studium conservandi memet salvum et incolumem: huic studio subserviunt appetitus edendi, bibendi, vindictae, affectus amoris, et doloris; denique omnes animae passiones: et conducit ad expletionem istius appetitus totius corporis fabrica, et organorum subordinatio: ita ut, aut plane istaec omnia frustra sint, aut fatendum sit Dei voluntatem esse, me meaque quae in creatione mihi concessit, conservare salva et integra. Sub hac autem vitae membrorumque  
 34 conservatione, non tantum ea comprehendi oportet, quae vitae et membrorum incolumitatem praestant: sed etiam ea, quae naturali eorum usui repugnant, vitanda esse eadem ratione docetur, aut quae subvertunt eum finem, ad quem nos vitae, membrorumque, et facultatum homini propriarum, natura ducit. Idque propter eandem rationem, quâ supra probavimus necessitatem cultus naturalis.

Neque obest quod homo ad malum sit pronus, et proximo nocere semper paratus, unde homines minus commodè aetatem agunt: atque adeò quod videatur Dei voluntatem non esse, ut homines vitam quàm longissimè producant: cum tales inclinationes ad malum, ab hominum perversa voluntate proficiscantur, quae naturales inclinationes à suo naturali fine, qui bonus est, et homini utilis deviare facit. Nam neque ambitio, neque  
 35 divitiarum cupiditas, neque veneris usus, | neque vindictae cupido, denique neque ullae naturales inclinationes, quae vulgo dicuntur sonare in malum, suâ naturâ tendunt ad hominis destructionem; sed comparatae sunt ad hominis conservationem: quamvis pravâ homines voluntate iis ad mala abutantur: quod satis indicat naturalis conscientia. 969

Sed instet aliquis: prioris argumenti pondus et momentum non probat homini necessitatem impositam esse semet conservandi, nisi gravis aliqua causa et ratio incumbat: sed hominem jure in vita sese conservare, si velit: neque contra Dei institutum facturum si spiritum et vitam quàm longissimè producat. Longè autem differunt jure aliquid fieri, et necessariò id fieri: ex pedum fabrica facilè intelligo jure et legitimè me facere, si pedibus  
 36 incedam; non tamen ideo si rhedae aut equi | commoditas suppetat, iniquè egerim si eâ commoditate utar. Rursus indidit Deus homini appetitum

<sup>34</sup> Inserted in 1680: 'ut jam dixi,'

in venerem: si tamen isti cupiditati non obsequar, peccati me reum non facio: neque etiam mulieres, si infantes ipsae non lactent, etiamsi mamillarum structura et fabrica satis doceat in eum finem tam magnatum uxoribus, quae isti oneri sese frequentius subducunt, quàm tenuioris fortunae mulieribus, istaec membra concessa esse.

- Sed exempla, quae in objectione adferuntur, non quadrant cum iis regulis quas supra tradidimus: cum in exemplis adductis, aut suspendatur tantum usus membrorum, et facultatum: aut propter maiorem commoditatem, quae aliunde homini suppetit, illorum membrorum, et facultatum  
 37 usus nunquam exeratur. Regula autem supra tradita docet | tunc rem fieri contra decorum naturale, aut hominem in semet peccare, quando aut plane membra et facultates interciduntur, aut directè iis aliquid contrarium committitur, quod Deus intendit(. Non)<sup>35</sup> uti pedibus ad iter aut ad deambulationem, longè differt ab amputatione pedum, qua usus planè et immediatè tollitur; et id aufertur quod immediatè a Deo originem habet, non intercedente usu humanae voluntatis(: et quod istius est naturae ut aliquid perfectionis in homine repraesentativum sit: quod addo, quia quodcunque tale non est, id tutò pro hominis arbitrio tolli potest, quia potius sequitur naturam constitutam, quàm quod partem hominis faciat).<sup>36</sup> Pari ratione ad tempus intermittere usum rationis licet, sicut fit in somno; omnino tamen tollere propter rationes supradictas non licet.  
 38 Ea|dem ratione longè differunt non consuescere cum muliere, et illicita venere uti: in priori non utitur homo dono Dei, quod ad utendum concessit, si velit; in posteriori utitur illo bono contra naturalem suum finem: quemadmodum longè differunt, ambulare, non ambulare: et incompositis gestibus hominemque gravem non decentibus incedere.

*Quomodo cognosci poterit quis cujusque  
rei naturalis et legitimus sit usus*

Quo autem pacto cognosci poterit quis cujusque rei sit licitus et naturalis usus, supra indicavimus ex parte, et breviter sic in compendium contrahimus. Cum de *parte* aut *facultate hominis* incidit disputatio, ea omnia

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<sup>35</sup> Replaced in 1680 by: ‘: aut suae dignitatis obliviscens, aliquid committit, quod ipsum in contemptum aut odium rapere possit: ex quo odio et contemptu se privat auxiliis, quibus commodius et securius vitam exigere possit; ita ut ad primum fundamentum legis moralis, quod est *conservatio sui*, rursus totus sermo de rebus pudoris referri possit. Praeterea non’

<sup>36</sup> Deleted in 1680.

integra conservanda sunt, quae si mutilentur, luxentur, aut tollantur, frustra Deus quasdam partes homini concessisse videatur. Si instituat<sup>970</sup>ur quaestio de *usu facultatum et partium*, is dicatur *naturalis* qui nos ducit ad  
 39 illum finem, ad | || quem nos vitae membrorumque, et facultatum homini  
 40 propriarum natura (ducit. Ille autem)<sup>37</sup> usus non tantum *licitus*, sed etiam  
*necessarius*; qui si omittatur, istum finem subvertit, aut ei repugnat: ille  
 autem *usus contra naturam*, qui ab illo fine removet: is autem *non necessa-*  
*rius*, qui si suspendatur, aut plane omittatur, nihil tamen contra naturalem  
 finem fit: cujus generis sunt ea omnia, quae necessarium cum fine natu-  
 rali nexum non habent: et ideo pedum, mammillarum, et membrorum  
 generationi dedicatum usus, omitti potest sine peccato. Quis enim hic  
 finis subvertitur? Generationis v. gr. inquires: at ille non subvertitur, sed  
 tantum non exercetur actus generationis. At haec tam longè differunt,  
 non uti re aliquâ, et naturalem usum rei subvertere: quàm longo intervallo  
 40 distant, quibusdam aedium parti|bus non uti; et easdem partes, aut plane  
 destruere, aut ad usum contrarium applicare, quàm in quem à Domino  
 aedium constructae sunt. Sed instabis, saltem colligere liceret ex fabrica  
 talium partium, Domini voluntatem fuisse, ne sine usu et fructu certa  
 aedium pars maneret: et ita concludere liceret, neque perpetuum caelibat-  
 um licitum esse: neque matronis fas esse suo lacte infantes non nutrire:  
 cum Deus abundè instruxerit naturam cujusque, ut aliorum opera uti ini-  
 quum sit. Sed eâdem operâ conficeretur, neque cuiquam esse fas aliorum  
 operâ et industriâ uti, quibus efficiendis ipse par est: et divitis officium  
 erit, labores eos aerumnosos subire, quos sustinent mercenarii: et infinita  
 hujusmodi absurda sequerentur, si praecedens objectio legitima habenda  
 41 sit. Ergo ille usus tantum est necessarius, qui si | omittatur, finem rei ad  
 quem condita est, subvertit, aut ei repugnat.

Omnia autem hujusmodi peccata talia sunt, ut per ea homo in se ipsum  
 peccet, atque in dignitatem suam: neque in iis aliquid Deo, aut proximo  
 subtrahitur, quod justitia iis largiri jubet. (Et de his peccatis exiguam men-  
 tionem fecit Hobbius, quia ad finem, quem sibi in suo libello proposuerat,  
 non magnoperè conferebant: nos autem ea supplebimus, ut fundamenta,  
 quibus peccatorum natura innitur, omnibus constant. In duas autem)<sup>38</sup>  
 classes commodè dividi possunt: ut alia dicantur (peccata contra naturam  
 strictè loquendo, alia contra decorem naturalem hominis, quia cum homi-

<sup>37</sup> Corrected in 1680 from: 'ducit ille. autem'.

<sup>38</sup> Replaced in 1680 by: 'Haec autem peccata in duas'

nis dignitate non congruunt, et innuunt)<sup>39</sup> eas perfectiones, aut gradum in creaturarum ordine, supra quem nos extulit Deus.

*Quomodo investigentur ratione peccata,  
quae contra naturam fieri dicuntur*

- 42 Peccata quae speciali ratione contra <naturam><sup>40</sup> committi dicuntur, ideo peccata esse judicantur, quia in iis est deviatio ab illo fine, ad quem propriè ille appetitus nos ducit, et quem assequi animus studet, si naturali suae directioni relinquatur. Nam primò appetitum illum voluptatis libidinosae à natura homini inditum esse, non magis dubitari potest, quam affectus amoris, spei, irae, audaciae, constantiae homini largitus est Deus. Quemadmodum autem singulis affectibus speciale objectum, et finis à Deo assignatus est, quem immutare homo sine praevaricatione non potest: sic neque objectum appetitus venerei. Quis autem nostrum non videt isti appetitui legitime satisfieri non posse, nisi in conjunctione cum compari et adjutrice muliere: quemadmodum neque amor, nisi in unione
- 43 cum | re amata; irae, nisi in propulsatione damni futuri, per debellatorem rei, quae nobis jam modò aliquod damnum intulit, et ne secundò inferatur, justus adest metus. Si quis itaque affectu irae aliter utatur, contra irae naturam agere praesumitur: qui itaque v. gr. in rem inanimatam exandescit, ille irae finem praetergreditur, quia causa, quare homo cum ratione ad vindictam ferri oportet, in re vita animali destituta non reperitur. Neque etiam affectibus multiplices fines, et usus specie aut genere differentes, attribui possunt: neque unus affectus alterius objectum sibi vindicare. Cum enim affectus non ratione, neque ex hominis arbitrio exci-
- 44 sideant. | Mo||tus enim naturales animae uniusmodi à diversis objectis excitarentur: et tam beneficium iram in hominis anima excitare posset, quàm injuria: et tam malum à nobis recedens, et subducens se, nos hortaretur ad affectum constantiae, quae propriè versatur in ferendo malo incumbente, et ingruente; quam malum tale, quale requiri in objecto constantiae, jam diximus. Et horum omnium ratio est, quia in omni animi 971

<sup>39</sup> Replaced in 1680 by: 'peccata contra decorem naturalem hominis, alia contra hominis dignitatem, quia cum ea non congruunt, et innuunt tantum'

<sup>40</sup> Replaced in 1680 by: 'decorem naturalem'

affectu qualicunque, est certus et determinatus motus spirituum interiorum, imitans fermè motum spirituum et humorum, qui in affectibus extrinsecè se manifestant: et quot diversi spirituum motus observari possunt, tot sunt passionēs. Quam itaque naturae motui repugnat, corpus eodem tempore diversas motus determinationes suscipere: tam impossibile est unum eundemque | affectum diversa sibi vindicare objecta.

Revertamur rursus ad appetitum copulae, quae in omni amore strictè sic dicto sese manifestat: illi necessariò certum objectum et suus finis assignandus est: at an ejus objectum non est mulier respectu viri, et vir respectu mulieris: et finis proximus à natura intentus, liberorum procreatio; quemadmodum irae objectum est injuria, et finis propulsatio damni, et vindicta noxae: et quemadmodum nemo irae aliud objectum aut finem constituere potest, nisi statim à naturae instituto divertat, sic neque appetitui libidinosae voluptatis. In provectionis autem aetatis hominibus illa copula damnari non potest: non magis quàm vindictae appetitus in homine infirmo, qui novit suas vires pares non esse in propulsando malo: justè enim | tamen irascitur, quia accepit injuriam. Sic justè copulam appetit, etiam capularis senex, quia objectum adest istius appetitus, scil. mulier: licet sciat se finem non posse assequi, non ideo ab usu juris sui prohiberi potest: cum ille finis sese per accidens habeat ad illum usum, quemadmodum victoria ad vindictam; et sicut licet cuivis propter acceptam injuriam irasci, etiamsi suis viribus diffidens desperet actualem aliquam noxam inferre posse inimico: sic etiam cuivis licet inire matrimonium, etiamsi de procreatione liberorum desperet.<sup>41</sup>

Si autem quis dicat ipsam voluptatem libidinosam, quocunque modo capiatur ejus usus, finem esse ipsius appetitus: is tantundem dicit, ac illi qui docent vindictae atque irae finem esse posse gaudium, quod aliquis capit ex vindicta, etiamsi nulla alia | utilitas rediret ad vindicantem ex vindicta: quod alibi refutavimus. Et, si affectuum naturam propius intueamur, manifestum fiet, nullam voluptatem, quae quosdam affectus comitari solet, posse esse finem eorundem, aut objectum: excitantur enim affectus

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<sup>41</sup> Inserted in 1680: 'Quo etiam addendum est matrimonium praeter procreationem liberorum multas alias habere opportunitates, quibus matrimonio juncti legitime frui possunt; inter quas etiam esse potest ipsa delectatio: quemadmodum in usu cibi et potus, cujus finis post peccatum primarius est vitae conservatio, etiam moderata oblectatio non est vituperanda. Neque constat Adamum in statu integro non futurum fuisse licitum istis muneribus naturae fungi cum uxore grvida: neque tamen inde sequitur ipsam voluptatem esse finem appetitus istius venerei, non magis certe quam voluptas, quae capitur ex usu cibi servientis ad conservandam vitam; et quam voluptatem negligere non est necesse, dici potest, esse finem istius appetitus naturalis potus et cibi.'

in nobis ex objectis certis circumstanciis, et qualitatibus affectis, ergo circa ea affectuum operatio versatur, et ex iis affectus excitantur: at voluptas actionum earum accidens est, et objectum non attingit, et operationem tantum comitatur: neque propter id, quod in objecto affectuum per affectus producendum est, tamquam vera causa, voluptas adest. Haec autem quae de voluptate dicimus, in affectibus tantum locum || habent, quos 972 excitare pro arbitrio in nostra potestate non est: in rebus et actionibus, 48 quas nos ultro facimus quando lubet, dispar ratio | est, et saepe voluptas legitima erit, quae rationem primarii objecti et finis obtinet: in iis enim Deus homini concessit suis actionibus finem et objectum constituere: sic in ambulatione quae voluptatis gratia instituitur, homo illi finem voluptatem assignat, et objectum excitans ambulationis desiderium, est ipsa voluptas: quia illi ambulationi a natura certum objectum aut finis determinatus non est: neque ex Dei instituto certum ordinem in natura habet, quales sunt affectus, et res aliae infinitae, quibus homo pro sua libidine objecta et fines assignare non potest: aut eas in bonarum aut malarum rerum censu, non magis quàm furtum, homicidium, adulterium virtutis loco habere potest. Ex his itaque principiis excudendas demonstrationes 49 putamus, quibus actiones contra | 〈naturam〉<sup>42</sup> commissae peccati arguantur.

*Polygamia, concubinatus, incestus, pudendorum  
revelatio, non fiunt contra legem naturalem*

〈Ad haec autem peccata quibus homo in se ipsum peccat, scortationem strictissimè dictam referimus: in qua nec ratio generandae prolis, aut ejusdem educationis habetur. Si quae autem alia consuetudo viro cum muliere intercedit, quae propter conditiones, quas ineunt, talia incommoda et naturalia indecora post se non trahit: et tamen vulgo scortatio vocetur, propter defectum quarundam conditionum quae in matrimonio strictè dicto adsunt: eam illegitimam esse ex ratione naturali probari non potest. Quare nec concubinatus, nec polygamia, neque divortium extra casum adulterii, peccata esse nemo ratione firmâ ex natura depromptâ probabit. Quascunque hactenus vidi proferri rationes, inferunt incommoda quaedam e|venire, nisi adsint omnes illae conditiones in matrimonio, quas 50 Christiana religio adesse jubet. Sed quodcunque minus societati humanae commodum confert, ideo statim peccatum non est, sicut ex superioribus

<sup>42</sup> Replaced in 1680 by: 'naturales inclinationes'

constat: et gentibus non facillè persuaderes, quorum pacta matrimonia-  
lia conditionibus illis, quas Christiani urgent adesse debere, destituuntur,  
plus utilitatis in rempublicam redundaturum, si in Christianorum mores  
transirent.

51 Multo minus incestuosa matrimonia, ita inter Christianos vocitata,  
ex ratione probaveris contra legis naturalis dictamen contrahi: neque  
membrorum generationi dedicatorum obvelationem ex legis naturalis  
praescripto fieri. Sed quia hic ea asserimus, quae multis, minus probata  
52 videbuntur; lubet nostram sententiam argumentorum quorundam | ful-  
cris stabilire. *Primò* dicimus, cum nobis persuasum sit ex alio princi-  
pio peccatorum contra naturam et decorum naturale demonstrationem  
desumi non posse, quam ex eo quod supra inculcavimus: meritò asseri-  
mus tales contractus matrimoniales, et eorum membrorum revelationem,  
non repugnare appetitui illi venereae libidinis: cujus naturam cum supra  
explicaverimus, frustra esset operosè illud deducere: cum cuivis in aperto  
fiat, ex contemplatione istius appetitus, eum nihil vitii moralis arguere  
in rebus, de quibus disputatio inpraesentiarum instituitur. *Secundò*, cum  
Deus dispensaverit, et permiserit contrahi matrimonia inter eas personas,  
quarum necessitudines et consanguinitates jam inter Christianos ea pro-  
hibent: sequitur talia matrimonia jure naturali interdicta non fuisse: quia  
52 nun|quam Deus potest de jure naturali dispensare. Sed quia id communi-  
ter à Theologis negatur, hâc demonstratione probatum dare conabimur.<sup>43</sup>

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<sup>43</sup> Replaced in 1680 by: 'Ad haec autem peccata quibus homo in se ipsum, et contra suam dignitatem peccat, scortationem strictissime dictam referimus; cujus ratio formalis eo continetur, quod committatur cum muliere libera extra matrimonii vinculum: quia tam vir quam mulier actum illum venereum villem et abjectum non ornans matrimonio, peccat contra suam dignitatem. In eandem classem rejicienda sunt divortium et polygamia; in quibus non tam contra pudorem, quam contra dignitatem naturalem peccatur: et quorum peccatorum deformitatem ex primis naturae legibus, primoque hominis ante peccatum statu ostendi potest; cujus probationem recipio me alibi traditurum. At peccata incestus in alio peccatorum numero ponenda: sunt enim illa in quibus contra pudorem naturalem proprie sic vocatum, peccatur, et quorum peccatorum rationem frustra petieris aut duxeris, ex illis primae naturae legibus, ad quarum normam homo integer vitam dirigere necesse habebat; in illo enim statu pudori nondum erat locus, sed istorum ratio accersenda a secundis naturae legibus, quae fundamentum suum habent in aërumnoso hominis statu, in quem per peccatum sese dedit praecipitem: et, quemadmodum supra exposui, quam male illi rationes suas ineunt, qui leges naturales, ut comparatas contra damna et ad depulsionem mali, accersunt a statu integro hominis, ita contra non minus illi aberrant, qui legum naturalium, quae regunt hominis pudorem proprie dictum, originem repetunt a statu hominis integro. Incestuum itaque ratio est ea, quae verendorum nudatio, quae non nisi post peccatum homini probro et dedecori fuit.

Scio equidem quosdam aliter sentire, et omnium supra enumeratorum rationem eam esse ut ex legibus naturalibus et ratione recta eorum vitiositas et deformitas probari non



Deus debet necessariò leges naturales tamquam justas aestimare,posito et constituto ordine in hoc universo, qualem jam esse quorumvis oculis ingeritur, et non potest non quicquid ab iis deflectit, tamquam iniquum aut indecorum agnoscere: cujus rei ratio est, quod omnes res quas cogitatione nobis imaginari possumus, semper quandam schesin et relationem habeant, natam ex intrinseca rei natura, quae à re, si quis rationis usum sibi interdicare nolit, separari non potest. Sic v. gr. gratuita rei largitio non potest non beneficii nomine venire: beneficium autem non potest non  
53 ab homine ratione utenti, pro tali agnoscì: ita agnitum, | non potest non ille homo se pro beneficio accepto, datori obstrictum agnoscere, et fateri officium suum esse, testari gratum suum animum. Ergo Deus non potest facere ut ingratitudo vitium morale non sit: et per consequens mandatum de gratitudine erit legis naturalis, et quidem divinae: imo non oportet distinguere inter duas illas leges, stante naturâ, et ordine universi<: propter rationes quas supra tradidimus, ubi sermo fuit de ratione investigandi ea, quae Deus à nobis fieri postulat).<sup>44</sup> Quae autem hic diximus de gratitudine, de reliquis legibus naturalibus eâdem methodo astruuntur. Ergo nulla dispensatio esse potest in legibus naturalibus: atque adeo matrimonia jam incestuosa habita, sunt talia, vi alterius legis. <Tertiò,><sup>45</sup> si revelatio mem-  
54 brorum generationi dicatorum esset peccatum contra | legem naturalem, primo sequeretur in infantibus illud esse peccatum, et eâdem curâ parentes incumbere deberent ne in iis partes illae conspectui pateant, quâ in grandioribus illas partes obvelamus, quae turpem aspectum habent: imo nunquam casus aut necessitas evenire posset, quâ illorum membrorum

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possit, sed ea tantum ex appendicibus et momentis extrinsecis vitiositatem suam mutuari, quatenus in talium hominum societate vivimus, apud quos, quia cultioribus et politioribus moribus cum sint, graviter offendas quod ea committas, quae propter politos et excultos suos mores ipsis invisae sunt; eoque contemptum et odium sibi conciliando se fraudant multis vitae commodis: neque in hujusmodi rebus aliud crimen esse putant, neque alicujus legis naturalis violationem, ita ut ab illis rebus omne vitium absit, quando in hominum societate vitam degimus, quae ad istos politos mores se non extulit. Sed quia haec quaestio est admodum communis et vulgata, verseturque in omnium ferme hominum ore et sermone, operae pretium me facturum arbitror, si argumenta, quae pro illa erronea sententia in medium adferri possunt, recenseam, eorumque postea solutionem annectam, ut ita argumentorum inter se contentione veritas enitescat. Quandoquidem inquirunt, Deus dispensaverit, et permiserit contrahi matrimonia || inter eas personas, quarum necessitudines et consanguinitates jam inter Christianos ea prohibent: sequitur talia matrimonia jure naturali interdicta non fuisse: quia nunquam Deus potest de jure naturali dispensare. Sed quia id communiter a Theologis negatur, hac demonstratione probatum dare conantur.

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<sup>44</sup> Deleted in 1680.

<sup>45</sup> Replaced in 1680 by: 'Porro'

relectio, peccati notam effugere posset. Nam leges naturales sunt perpetuae obligationis: nunquam furari licet, nunquam scortari, nunquam obtrectare. Si autem quippiam aliquando licitum fiat propter circumstantias, quod ante eâ conditione destituebatur: v. gr. membrum sui corporis amputare, ne pars sincera in mali contagionem trahatur: aestimandum non est illud fuisse legis naturalis mutabilis: quia nunquam prohibitum  
 55 fuit mutilare sese, ut inde toti corpori salubritas conciliaretur: et | semper lege naturali cautum est, nequis praeter similem necessitatem in proprium corpus saeviat.

Denique cedant mihi adversarii unam rationem, quâ probent viri vel mulieris conditioni repugnare tale pactum inire (matrimoniale, quod)<sup>46</sup> in perpetuum non duret, et (ut loqui solent) individuum vitae societatem non contineat: quae doceat viro integrum non esse plures sibi adjungere uxores etc. Si in omnibus de quibus hic controvertitur, vel umbram contradictionis moralis<sup>47</sup> ostendere possint, in posterum nemo me habebit refragatorem. Inculcant passim communem gentium consensum: sed multis modis ille gentium consensus (mihi)<sup>48</sup> non satis fundatum principium, aut  
 56 servitus ubique gentium in usu erat, et vivorum hominum immolationes: hodie apud omnes gentes vir caput mulieris est: probent aequitati naturali repugnare, contractum matrimonialem sub contrariis conditionibus iniri non posse.

*Consensu moratiorum gentium standum  
 non est in controversiis de aequo, et justo*

Sed lubet (accuratius falsum illud principium subvertere:)<sup>49</sup> si jus naturale nobis innotescet ex consensu moratiorum gentium; quaero quis judicabit, quae sint gentes illae moratiores? Pontificii, qui non minimam orbis terrarum partem faciunt, docent multa peccata contra legem naturalem non fieri, quae nos incestus vocamus. Et, si examen institutur, quo loco quaeque natio quaedam peccata habuit, reperies multis, etiam moratioribus, 974

<sup>46</sup> Corrected in 1680 from: 'matrimoniale, qui'.

<sup>47</sup> Inserted in 1680: 'cujus jam in superioribus specimen dedimus, quando de gratitudine egimus.'

<sup>48</sup> Deleted in 1680.

<sup>49</sup> Replaced in 1680 by: 'pressius urgere.'

joculare tantum delictum fuisse, quod aliis capitale, et hodie vivi-comburio debetur: loquor de cinaedis, et peccatis, quae cum iis affinitatem habent.

57 Deinde quaero, ad quos mores respiciemus: an ad illos, quibus natio, quae de poenis deliberat, consentit: sed tunc cuique nationi sui mores sufficient: an ad eos, quibus ab aliis discrepat? At nec hoc fieri potest: cum enim in aliis institutis cum gentibus conveniunt, in paucis autem discordes sunt, quare aliorum mores de quorum honestate ambigitur, tamquam decoros acceptabunt? (Examine si)<sup>50</sup> sit opus, ergo et alio principio secundum quod examen instituere oportet.

Denique si bene rationes subducas, deprehendes moratiores gentes ab omnibus Romanos haberi, et in plurimis eorum instituta imitari. Sed et sunt gentes quae leges Romanas ex sua republica exterminarunt: neque sinunt jus et aequitatem ex eorum placitis pronunciari. Et cum Romani  
58 leges suas condidere, non | adhibuere in consilium aliarum gentium constituta: sed rationem sanam: neque commisere illud negotium vulgo et multitudini; sed doctioribus et prudentioribus, qui certè moratiores gentes vocari non possunt: ut appareat consensum moratorum gentium terminari in paucis legislatoribus. Et illi legislatores, quo duce aequitatem et justitiam singulorum actuum invenere? An non ratione? At ad quam regulam collineavit ratio? Ad primum aliquod principium, inquires: sed unde ratio sibi istud principium comparavit? Non fuit Scriptura Sacra: tale enim principium in limine hujus tractatus exclusimus:<sup>51</sup> non consensus moratorum gentium, non dictamen conscientiae legislatoris: quomodo enim paucorum animi impetus in difficili hac materia regula esse potuit?  
59 Videant itaque illi,<sup>52</sup> qui tantopere | inculcant consensum moratorum gentium, quam debili argumento innitantur.

At quaerat aliquis, quomodo illa omnia, quae hactenus probavimus legi naturali non repugnare, tamen gentes ferme omnes evitarunt, et quasi communi consensu exterminarunt ex suis rebuspublicis: cum in aliis rebus indifferentibus tanta semper reperta fuerit morum diversitas? Sed quare paupertas ferme apud omnes gentes vilis et abjecta habita: quare sordida vestimenta viro erectionis ingenii et bono loco nato pudorem incutiunt? Quare rubore suffundimur si quis nos erroris, etiam qui neminem peccati reum arguit, convincat? Quare fratres et sorores, quae sunt frontis

<sup>50</sup> Corrected in 1680 from: 'Examine'.

<sup>51</sup> Inserted in 1680: 'et ideo ex hoc principio nulla in hac quaestione in praesentia praesidia parare licet'

<sup>52</sup> Inserted in 1680: 'inquiunt,'

tenerioris, non lubenter simul intersunt consortiis in quibus blandimenta  
 60 amatorum vel admittere, vel deferre | continget? Quare fratres commu-  
 niter de rebus venereis inter se parcius loquuntur, quam cum de iisdem  
 rebus cum aliis incidit sermo? Quare ferme omnes pulchritudinem magis  
 aestimamus, quam deformitatem? Infinita hujusmodi recensere mihi in  
 promptu foret: quorum omnium si contrarium fiat, peccatum non est.  
 Nequis putet id omne peccatum esse, et naturalis legis dictamine pro-  
 hiberi, quod pudorem incutit. Quare autem horum quaedam amplecta-  
 mur communiter, quaedam defugiamus, est quia aliquam infirmitatem et  
 imperfectionem arguunt, quam quisque a se longissimè abesse in votis  
 habet: prodeuntibus autem annis, intellectus tale naturale iudicium de  
 iis exserit: quemadmodum de infinitis aliis rebus: et quae in infantia  
 61 non damnabamus, propter iudicii aut qualitatum | quarundam defectum,  
 in pueritia et adolescentia nobis advorsa esse incipiunt. Harum autem  
 imperfectionum quasdam Deus in homine Christiano, aut abesse || voluit, 975  
 aut saltem tegi, idque vel coram omnibus, vel certis quibusdam perso-  
 nis: in quarum conspectu illas imperfectiones ostentare minus decorum  
 erat: alias autem reliquit hominum arbitrio: ita tamen ut, qui eas magis  
 tegat et evitet, politoris vitae, et magis compositis moribus esse videatur:  
 ad quam morum civilitatem si quisquam non assurgat, à peccato tamen  
 immunis est. Et ideo incestuosa matrimonia lege suâ prohibuit Deus: iis  
 autem, qui pluribus gradibus distant, concessit illam arctam vitae con-  
 junctionem: verecundia enim minor in his, quam in illis. Et haec fuit ratio,  
 62 quare cum muliere menstruata congressum Deus prohi|buerit: quem jam  
 licitum esse putant ferme omnes: in fluxu enim menstruo novus (pudor  
 mulieri incumbit:)<sup>53</sup> quare etiam eam reverenter haberi voluit Deus à  
 marito. Neque video ullam rationem, quare membrorum qualiumcunque  
 revelatio in se considerata non sit licita, (tum propter rationes supra tra-  
 ditas, tum)<sup>54</sup> quia in se peccatum non est(: neque ullum Dei praeceptum  
 in Evangelio extat, quod illorum membrorum obnubilationem imperet).<sup>55</sup>

Sed, inquires, si legi naturali non repugnet partes generationi dicatas  
 detegere: ergone licet cuivis in conspectu hominum eas revelare? Ita certe:  
 modò in illa detectione aliquid non sit, quod (honestati)<sup>56</sup> naturali repug-  
 net. Sed instabis: fieri non potest quin haec semper incurrant in hones-

<sup>53</sup> Replaced in 1680 by: 'pudoris cumulus mulieri accidit'

<sup>54</sup> Replaced in 1680 by: 'propter rationes supra traditas, et'

<sup>55</sup> Deleted in 1680.

<sup>56</sup> Replaced in 1680 by: 'decori'

tatem naturalem: sed id <nobis><sup>57</sup> longè à vero abesse videtur: quod sic  
63 de|monstratum <imus.><sup>58</sup> Contra honestatem naturalem fiunt, quae contra  
pudorem naturalem committuntur: pudor naturalis is est, cum quem  
justè suarum imperfectionum pudet: justè pudet, cum tales imperfec-  
tiones possideat, vel quas possidet ita prodat, ut proximus jure merito-  
que eum ideo minoris facere possit. Facit autem id proximus justè, quo-  
ties tales imperfectiones in eo observat, aut foràs prominere videt, quae  
sunt praeter dignitatem illius, in quo illae comparent: adducunt autem  
tales imperfectiones naturaliter aliquem in contemptum: quia videt inter  
imperfectionem illam, et personam quam sustinet proximus disconformi-  
tatem: in proximo autem disconformitas apparet, quia inter locum quem  
habet inter suos, vel habere debebat, aut habere saltem credebatur, et  
64 inter eas | qualitates, quarum respectu certus civibus locus assignatur,  
non datur mutuus nexus, et conveniens schesis atque relatio: quae autem  
qualitates, et in quo gradu cuique personae adesse debeant, id usus, con-  
suetudo et ratio gentis determinat. Qui doctrinâ et eruditione celebris est  
inter idiotas, is eundem gradum atque dignitatem inter doctos sustinere  
non posset: qui in multarum rerum ignorantia versatur, nullâ unquam  
usus disciplinâ, ille absque contemptu indoctorum in numero censetur:  
qui autem diu in alicujus disciplinam sese tradidit, nullos autem progres-  
sus fecit, is certe sine aliqua infamia non caret multarum rerum scientia:  
qui inter cives moratior es enutritus, non sine vitio minus cultis moribus  
est: qui tamen rustico, aut in tali gente aetatem agenti viro, quae minus  
65 morata | est, sine ullo dedecore adsunt: qui eas corporis partes detegit,  
quas consuetudo gentis tectas esse vult, is in honestatem naturalem pec-  
cat, si eas conspectui patere faciat: quas tamen alius alibi terrarum, ubi illa  
consuetudo non obtinet, agens, sine peccato aut petulantiae nota detectas  
habet. Pari ratione in idem vitium incidit, qui ad naturae requisita prae-  
standa coactus, secreti licentiam non quaerat: à quo tamen immunis est,  
si necessitas obstat. Ob eandem causam contra honestatem peccat, qui  
in hominum non familiarium consortio, eorum officiorum honestatis sibi  
veniam indulget, non praefatus veniam, quae arctae amicitiae jure sibi  
invicem condonare solent, atque possunt, amici: et ideo, qui anatomiam  
docet studiosos, omnia ea exponit palam, quae eidem extra illam ratio-  
nem constituto, ne | nominare fas esset. Eadem etiam || ratio est, quare 976  
66 viri plus sibi indulgent in rebus, in quibus turpitudini locus est, quam

<sup>57</sup> Replaced in 1680 by: 'illis, qui pro illa sententia laborant,'

<sup>58</sup> Replaced in 1680 by: 'eunt.'

nos foeminis concedimus. Idem <dicimus><sup>59</sup> de genitalium detectione: et à reliquis tantum gradibus differre <dicimus>:<sup>60</sup> <agnoscimus><sup>61</sup> enim illam gentem admodum <à morum modestia descivisse, quae vitio non vertit genitalia detecta habere: neque sine gravi peccato majores talium gentium ad illum impudentiae gradum venisse: postquam><sup>62</sup> autem consuetudo invaluit, ut ex communi gentium sensu, nota turpitudinis ablata sit à tali vivendi modo, totam gentem extra peccati labem genitalia detecta habere <credimus>:<sup>63</sup> quia nullam imperfectionem aut infirmitatem erubescendas homini ei rei inesse agnoscunt: non magis quam nos in detectione vultus  
 67 matronarum, quae in publicum prod|eunt, quod tamen apud alias gentes matronis vitio vertitur.

<Sed instabis:><sup>64</sup> licet illae gentes nullam turpitudinem in ea membrorum detectione agnoscant, quia nullam imperfectionem in ea esse existimant, quae foras, ut ita dicam, prominens, justum nobis pudorem incutere debeat: non desinit tamen esse aliquid in illa detectione, quod si justè perpenderent, pudoris earum gentium interesset, illud proximi oculis subtrahere. <Sed id vero consentaneum non est:><sup>65</sup> nam cum constet non raro citra peccatum talia membra detegi, v. gr. cum medicatrici manui committenda sunt: aut cum ea urget necessitas, quae temporis aut rerum copiam non concedit ad ea tegendum: vel cum nutrices infantes fasciis involvunt, eorumque nuditatem intuentium oculis sine ullo impudentiae vitio exponunt: haec in|quam cum sine peccato fiant, quaerendum est, quare ita censeant communiter homines? In duobus prioribus casibus, inquires, est necessitas. Sed primum dubium reliquum est, quare tali in casu necessitas à peccato excuset: proculdubio quia impudentiae nota adesse desinit: desinit autem adesse, quia tali in casu hominis istius infirmitas conspectui patet absque ostentatione, aut protervia: quae an absit judicant communiter homines ex circumstantiis, quas in singulis recensere longum esset: at quae protervia aut suae infirmitatis impudica ostentatio est, si aliquis eas partes in hominum conspectum incurrere sinit, quae pudicitiae aut impudicitiae locum non faciunt? At illae gentes, apud quas consuetudo, Europaeis contraria, obtinet, non aestimant

<sup>59</sup> Replaced in 1680 by: 'dicunt'

<sup>60</sup> Deleted in 1680.

<sup>61</sup> Replaced in 1680 by: 'agnoscunt'

<sup>62</sup> Replaced in 1680 by: 'parum excoluisse et ornasse vitam; ubi'

<sup>63</sup> Replaced in 1680 by: 'credunt'

<sup>64</sup> Replaced in 1680 by: 'Si instes.'

<sup>65</sup> Replaced in 1680 by: 'Sed respondent id vero consentaneum non esse.'

69 in detectione genitalium impudicitiae | materiam esse: quia non est nota infirmitatis aut imperfectionis pudendae homini. Quid autem habendum sit pro perfectione, in homine ita requisita, ut si absit, illam imperfectionem, cum conscientia suae infelicis sortis agnoscere debeat, id totum ab usu et consuetudine gentium pendet: quod supra inductione probatum est: neque disparem rationem in hac genitalium detectione ullus nobis ostendet.<sup>66</sup> Deinde si gentibus illis barbaris id vitium esset, constare iis debebat, se contra legem aliquam peccare: at ostendat nobis aliquis quomodo in cognitionem istius legis venirent gentes illae. Instinctu naturali, inquires: et contemplatione morum aliarum gentium moratorum: sed quid de regula agendorum, petita ex moribus aliarum gentium statuendum sit, alibi docuimus: et tunc saltem illae gentes | mererentur excusationem apud Deum, si aliarum gentium mores ipsis non innotuissent: et copia eas cognoscendi facta nunquam fuisset. In instinctu naturali tantundem praesidii situm reperient: nam primò non sequitur ad quodcunque aliqua inclinatione naturali ferimur illud faciendum esse: multis et omnibus ferme junioribus, qui integra valetudine fruuntur, inest libido in venerem, isti libidini tamen omnes obsequi non tenentur. Omnibus et singulis insitus est amor sui conservationis, licet tamen nonnunquam cum summa laude isti inclinationi resistere, et illi aliquid contrarium perpetrare. Multis inest rusticus pudor, quem morum magistri exuere student animo eorum, quorum curam suscepere: est alius pudor, qui laudandus, 977  
71 eo tamen || si quis careat, culpandus non est: | cum prior perfectioris indolis signum sit, posterior quidem ingenii minus perfecti, non vitiosi tamen: est et alius pudor necessarius, cujus absentia nunquam culpa carere potest. Passio illa pudoris in genere quemvis ad ea agenda impellit, quae isti passioni congrua sunt, et à commissione eorum retrahit, quae illi sunt contraria. Ergo ille instinctus bonum à malo non discriminat. Attamen, inquires, videtur ex lege naturae imperante aliquid fieri, cum omnes rationes in unam mentem conspirant, paucissimis exceptis; quemadmodum fit in obvelatione genitalium: sed quid mirum, cum apud omnes gentes gravitas et modestia in pretio sint: et ea rursus apud easdem contemptum non effugiant, quae gravitati contraria sunt? Prioribus enim virtutes, 978  
72 denotant virum sua cum ratione dirigentem, et prudentiâ | omnia moderantem: quae prudentia apud omnes in aestimatione est, quia ea bona nobis conquirimus, mala evitamus: posteriora autem, modestiae et gravitati contraria, denotant virum levem, inconstantem, consilii praecipitis:

<sup>66</sup> Inserted in 1680: ‘, inquirunt’

et qui multorum malorum sibi causa existit: quid autem virum gravem magis dedecere videtur, quàm quae in amatoriiis complexibus fiunt? Et ideo rectè Poëta cecinit,

Turpe senex miles, turpe senilis amor.

(Cuius etiam manifestum jam est, quomodo peccata quae contra honestatem naturalem fieri dicuntur, mala sint)<sup>67</sup> quia fiunt contra primam et fundamentalem legem, conservationem scil. sui ipsius: neminem enim fugit quanti referat ad bene esse, ut quivis contemptum à se moliat: at qui impudicè se gerit, contemptum suorum effugere non potest.

*Nulli dantur instinctus naturales: aut notiones communes  
in hominis mente, quibus bonum a malo distinguitur*

- 73 Sed cum adversarii non cessent inculcare suos instinctus naturales, notiones communes, legem cordi inscriptam: lubet ulterius exponere, quid de hisce omnibus dicendum putem. Anima ex creatoris placito ita corpori unitur, ut ab eo pati atque affici possit: docet id experientia: neque alto consequentiarum suggestu hic opus est. Omnis autem illa passio ad duo commodè referri potest; ad dolorem, et voluptatem: dolorem concipit anima, quoties talis fit spirituum motus ad mentem, quae unionis naturae minus est conveniens: voluptatem, quoties eum motum percipit, qui unioni convenit. Hac itaque affectione praedita erit mens cum corpori unitur: et haec affectio est unicum principium, menti à creatione inditum: reliqua principia, aut notiones, quocunque lubet vocare nomine,
- 74 acquisite sunt: et | ipsâ mentis ope sedem in mente habent. Mens enim cum sentiat motum sibi ingratum, studet illum motum immutare, aut à se depellere: et inde nascuntur omnes affectus, qui versantur in amolatione ejus, quod malum est: cum verò sentiat motum gratum, et sibi convenientem, studet illum conservare, et talem spirituum motum concitat, qui continuando priori motui appositus est: et hinc origo petenda omnium affectuum, qui versantur circa consecutionem, aut conservationem rei gratæ et jucundæ. Quales autem in singulis affectibus spirituum

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<sup>67</sup> Replaced in 1680 by: 'Si itaque illa peccata, in quibus hactenus occupatus fuit sermo, aestimantur fieri et committi contra legem naturalem, non id erit quia primo impingunt in rectam rationem; sed quia cum lex fundamentalis sit *sui conservatio*, contra illam peccat, qui sui negligens sese temere periculis exponit et in discrimen conjicit: erunt itaque illae actiones ideo malæ'



motus sint, id jam docuere viri doctissimi tantâ solertiâ, et exacto iudicio: ut planè insipientis sit, sperare posse aliquid novi excogitare, post eorum lucubrationes.

75 Sunt itaque affectus in infante adhuc in utero latente, orti ex | perceptione rei gratae, aut ingratae: postea, infans in lucem protractus experientia propriâ, disciplinâ, aut exemplo venit in cognitionem aliarum multarum rerum, quae dolorem, aut voluptatem producere possunt: et ad perceptionem illarum rerum excitantur illi affectus, quos jam in utero expertus est: || aut iis saltem similes, et affines: cum illi, quibus infans 978 ante usum rationis subjectus non fuit, ex iis tamen affectibus conflantur, qui ante usum rationis infantem afficiebant: quod cuius naturam affectionum propius intuenti manifestum erit. Quod si autem homines ad quaedam alia objecta amplectenda, ad alia autem fugienda proniores videantur; id non indicat aliquam animae dispositionem à prima origine ipsis inditam: sed aut usu comparatam dispositionem, aut passionum 76 quarundam, aut temperamentum proprietatem, quae non sinit hominem in iis versari, ad quae spirituum natura, aut eorum motus ipsum parum idoneum reddit: quia cum difficultate, et labore mens operatur, cum apposita instrumenta ad operandum nacta non est: atque ita dolor rursus in causa est, quare naturaliter quaedam defugere videamur: quaedam autem amplecti.

Verissimum equidem est, homini arbitrarium non esse affectibus obiectum attribui: atque ita ex injuria, nude spectata, gaudere non potest, ex bono quod percipit dolore angitur, ex malo futuro in spem laetam adduci: sed totum illud dependet ex prima illa dispositione animae, qua inconueniens spirituum motus illi gratus esse non potest: conueniens autem semper illam voluptate perfundere debet. Et ideo homo contristatur super 77 re ex naturali | quadam propensione, quam dolore dignam censet: sed de qua re in specie dolendum sit, id naturalis quaedam animi propensio non discriminat: cum multa ut mala vitemus, quae mala non sunt. Deinde finge rationem non aberrasse in exploranda natura rerum: non liquet homini integrum tamen non esse malum aliquod amplecti citra peccati labem, cum nemini dubium sit quin homini liceat sese multis bonis privare, etiam sine spe maioris praemii: neque tamen facit contra legis naturalis dictamen.

Deinde agnoscimus ex temperamenti proprietate, hominem primum reddi ad quaedam amplectenda, ad alia defugienda, quatenus temperamenti proprietas eum ad quaedam agenda aptum reddit, ad quae, data occasione, admodum suâ sponte fertur. Sic circa pubertatem sese pro- 78 dit amatoria et venereus ille affectus, quo ducimur in amorem illarum

rerum, quae istius affectus libidini satisfacere possunt: sed ille affectus non jubet sibi obsequi ex lege naturae: deinde non praecisè determinat, quibus nos applicare debeamus. Est quidem ille affectus talis ut mores molles requirat: et ideo viragines, et asperioribus moribus praeditae virgines, non ita facilè juvenes in sui amorem pelliciunt: et puerorum amatores, mollicellos et ad plenam pubertatem nondum provectos deperibant. Non talis tamen est istius affectus lex, ut si quis vetulam ambiat, ideo in legem naturae peccare videatur: et qualiscunque ille affectus et inclinatio sit, apparet eam semper substructionibus dispositionis illius animae, quam à prima origine solam animae inesse diximus, inniti.

- 79 Denique non imus inficias ho|minem ad quaedam dogmata amplectendum admodum pronum esse, v. gr. dari Deum, judicium universale exspectandum, animam esse immortalem, pactis et promissis standum, non adulterandum, etc. et quae sunt ejusmodi, quae naturalis legis dictamina appellare consuevimus: sed ista propensio non oritur ex notionibus quibusdam communibus, aut dispositione ulla animae diversa ab ea quam descripsimus: sed plane beneficio illius primariae et unicae dispositionis originariae existit in homine. Agnitio enim impotentiae suae ad devitanda quaedam mala, et ex hac agnitione ortus metus, facit ut homines facilè admittant, dari aliquod Numen, quod nobis potentia longe superius, mala averruncare potest: et poenarum inflictio, atque praemiorum distributio inter homines observata, et ut res maxime | necessaria habita, cogit homines ad credendum fore || post hac aliquod judicium uni- 979  
80 versale: cum pessimis et sceleratissimis quibusdam contingat, ita ex facili vitam degere. Denique protrita illa et cuivis obvia incommoda, quae sequuntur legis naturalis violationem, quemvis docent ex legis naturalis dictamine vivendum. Sed si anima, neque instituto, neque experientia ullam horum malorum cognitionem haberet, quid aequum, aut iniquum esset plerique homines ignorarent: cum paucissimis sit datum ex alto repetere orginem justitiae atque injustitiae, aut in cognitionem illarum demonstrationum penetrare, quibus utuntur Philosophi ad demonstrandam Dei existentiam.

- Vocant autem homines hujusmodi axiomata legem naturalem, quia  
81 nunquam talis est hominis | conditio, sive ut singularem personam eum consideres, sive ut partem societatis, quin ejusmodi sese quotidie offerant, ut ea tamquam justa et aequa approbare necesse habeat, quae vulgò ex legis naturalis praescripto fieri dicuntur. Admiranda quidem certe vis consuetudinis hic, sicut in aliis rebus apparet: ut homines de rebus quid aequum, quid iniquum sit, judicent, cujus judicii nullam tamen saepe rationem reddere possunt: imo eruditissimi in ratione reddenda non raro

deficiunt, quae populus ex consuetudine rectè facit: v. gr. si quispiam in furto deprehensus sit, omnis multitudo animo et viribus annititur furem comprehendere: si autem quispiam ira percitus homicidium perpetraverit, omnes ejus libertatem optant, nullus saltem operam suam libenter ea  
 82 in re commodat. Fit id ex | ratione: quia plus periculi cuivis ex fure, qui cujusvis fortunas rapere intendit, quàm à tali homicida, qui in illum tantùm excanduit, à quo lacessitus fuerat. Inquire ex plebe unde tam diversi animi affectus oriantur, ignorabit: roga aliquem communi Philosophiae scientiâ tinctum, dicet id fieri instinctu naturali: meo quidem judicio falsò, propter rationes supra traditas.

*De peccato originali*

Sed objiciet aliquis, at saltem labes originalis, est quaedam dispositio in anima à priori distincta, quam à prima origine animae adesse diximus. Sed duplex labis originalis consideratio est: una prout consideratur tamquam privatio rectitudinis, quâ Deus ornat animam primi parentis: et illius quidem privationis haec ratio est, ut dispositionis alicujus  
 83 nomen non mereatur: sed constituit mentem aliquâ perfectione | privatam: quemadmodum minor gradus caloris aut luminis, non est dispositio quaedam aut qualitas in corpore, quod in comparatione ad aliud corpus luminosius aut calidius, minores gradus caloris aut luminis possideri dicitur. Est praeterea labis originalis alia ratio, quâ consideratur tamquam prava quaedam animae dispositio: sed tunc crebris actibus acquisita est; ita tamen ut propter carentiam justitiae aut rectitudinis originalis, omnes homines ad crebros illos actus edendos sint redditus propensi: quod hac ratione evenit. Ante usum rationis ducimur tantùm praesentibus gaudiis: ea autem gaudia ortum habent ex rerum naturalium menti convenienti usu: et ex illa proprietate unionis animae, quâ quae sensationem tristem afficiunt, abesse à nobis procul optamus, quae gra-  
 84 tam, continuò no|bis adesse postea prodeuntibus annis, et simul cum annis crescente judicio, adhuc in ea naturaliter ferimur, quae voluptatem menti conciliare possunt. Cupimus honores, cupimus divitias, imperia, esculentorum, et potulentorum copiam, quia illa omnia isti mentis naturali libidini egregie satisfacere possunt, quâ scil. optamus grata nobis adesse, ingrata autem arcere studemus. Sed homo pariter ad Deum et proximum talem (schesin)<sup>68</sup> habere incipit, ut priori inclinationi naturali,

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<sup>68</sup> Replaced in 1680 by: 'relationem'

etiam usu robustiori redditae, sine proximi aut Dei injuria obsequi non possit: hinc mali moralis origo: et ideo ad malum omnes procliviores sumus, quam ad bonum, quatenus inclinatio ad || malum jam includit 980 inclinationem ad res illas, quae naturae convenientissimae sunt per se:

85 noxiae autem et malae fiunt propter circumstantias. Quid enim mirandum antiquam et robustam consuetudinem, quam usus à prima pueritia menti insidere fecit, praevalere levibus quibusdam praeceptis, quae ratione tantum ut aequa et utilia concipiuntur; mentem tamen nisi coelesti gratia imbutam afficere non possunt: non magis quam charitatis praecepta hominem ira incensum et vindictam parantem. Ducit, vel potius trahit nos potenter, illorum bonorum consueta usurpatione, cui homo à pueritia indulsit: et tam vehementem concitat in nobis propensionem ad ea consequenda conspectus istorum bonorum, ut desinant audiri rationis habentiae: quemadmodum cum homo affectibus concutitur. Et ut dicam quod res est, illa consuetudo quam proximè accedit affectuum naturae, et

86 eodem modo voluntatem in assensum cogit, | quo affectus eo quo feruntur rationem trahunt. Haec autem<sup>69</sup> si accuratius perpendantur, invictum argumentum suppeditant ad tuendam (nostrorum principiorum veritatem:)<sup>70</sup> Omnes enim illae propensiones, quas vulgo naturales vocant, et quae tantopere virtuti reluctari videntur, et consequenter legi de *conservatione sui ipsius*: illae inquam in se spectatae bonae, justae, et aequae sunt, summèque conducunt homini ad vitam feliciter transigendam: quamquam ex accidenti saepe vitiosae fiant. Quid homini conducibilis, quam vindictae libido, quae tamen magis hominem in peccandi necessitatem induit: quia maximè necessaria, hominique conveniens in se spectata: quia tamen illi modum imponere saepe non possumus, ex commodo societatis humanae factum, ut vindictae executio arbitris, aut iudicibus

87 à studio | partium longe remotis committeretur: neque magis damnanda vindictae libido in privato, quam justitia punitiva in magistratu. Pari ratione homini impio et gratiae divinae diffidenti nullum votum magis conveniens, eo quo optat non dari iudicem Deum: quamquam jam illud votum iniquum sit, quia fit cum Dei injuria: et eidem voventi calamitosum, quia cadit in irritum, et facit voventi augeri culpam. Sic quidem, quid magis

<sup>69</sup> Inserted in 1680: 'inquiunt,'

<sup>70</sup> Replaced in 1680 by: 'illam veritatem, quam initio hujus dissertationis confirmare in animo habuimus; nempe originem legum moralium petendam esse a lege fundamentali quae est *conservatio sui ipsius*: non quatenus formalis ratio virtutis contineatur illa fundamentali lege, sed quatenus ex ea ostenditur necessitas usus et utilitas parendi legibus naturalibus.'

corruptae naturae testatur malignitatem, quam ea perversitas, quâ nitimur in vetitum: attamen quae hominis naturae ejusque conservationi magis conveniens inclinatio, quaeque cum ratione et aequitate magis quadret, si hominem in se spectes: quia nititur generosa illa indole, quâ quisque libertatem affectat, quam quisque prosequitur: *primò* quia quicquid voluntariè à nobis fit, id | semper gratum et jucundum est. Quod mihi potissimum argumentum esse videtur, quo probare licet nihil ingrati Deo advenire, qui omnia agit ex beneplacito voluntatis suae, omniumque actionum author est, neque quicquam patitur: ad quam perfectionem si homo sese extollere posset, esset quod cum Deo de felicitate contendere posset: quam ineptè assequi contenderunt Stoïci, animam extra corporis commercium constituere nitentes; à quo solummodò patitur: cum ea tantum quaerenda sit in benevolo Dei affectu, quo paratus est omnia piorum mala averruncare. *Secundò* ideo libertatis studio omnes ducimur, quia quò major libertas, eo magis omnia vitae praesidia ad manus sunt: et ideo reliquis eminere studemus, ut aliorum opera nobis usui esse possit. Possem hâc ratione per singula ire: sed haec, quae | in medium adduximus, talia sunt ut aequi lectoris judicium diu morari non possint.<sup>71</sup>

<sup>71</sup> Inserted in 1680: 'Haec Adversariorum argumenta in turba proposui; miscens etiam quaedam alieni || generis, nec magnum selectum faciens, quo per compendium ea sub uno aspectu ponerem; et postea illa in suas classes redigens lectori rectius constaret totius hujus disputationis ratio. Quid igitur in longo adversariorum sermone animadvertendum sit paucis exponemus; simul digitum intendentes, et ostendentes quo perendum sit, ut vis argumentorum istorum labefactetur. Ex praecedentibus constat distinguendum esse inter peccata quae contra hominis dignitatem committuntur, et inter ea, quae pudori adversantur eumque laedunt: Scortatio, Polygamia, Divortium, Ebrietas, praeceptum et temerarium judicium, etiam in rebus levissimis, et nullius momenti, stulti fictio et simulatio, incongrui imparilesque gestus in statu et in incessu, quosque a viro constanti, gravi, honesto et modesto abesse volumus, contra hominis dignitatem naturalem sunt: hominem enim anima rationali praeditum; et creaturae rationalis personam gerentem, tam parum decet illam personam deponere, quam Regem decet v. gr. clara luce et maxima celebritate in foro saltare. Homini autem ex naturae rationalis proprietate accedere aliquam dignitatem, non magis negari potest, quam hominem bruto excellentia priore esse: ergo illa dignitas, quae homini adest per naturae suae proprietatem a moribus, scitis, plebiscitis et consuetudine populorum libere suscepta non pendet. Harum autem dignitatum aliae sunt, quae proxime cum hominis natura connexae sunt, et quasi manant ab ipsa natura; aliae quibus tantum locus est in natura, cura et studio excolta, et ita ad multa sese diffundens, quibus ornatior hominis conditio exsurgit et efflorescit: quorum tamen omnium pretium ducitur ab illa dignitate homini insita. Posterioris generis sunt politi mores, scientiae et disciplinae humaniores, et artes omnes a quibus ea hominum vita commendatur, in qua recta ratio praecipue floret vigetque. Hisce homines in et per se spectati carere possunt sine crimine aut vitio: quia privatio eorum naturalem hominis dignitatem non dehonestat, nec hominem ponit in probro et ignominia; sed facit ut minori aestimatione et excellentia

versetur: quia in hisce posterioribus non occupata est virtus; sed iis tantum dignitatis hominis exaltatio paratur.

Ab hisce quae dignitatem naturalem hominis imminuunt discernenda sunt (ut jam dixi) illa peccata, quae proprie committuntur contra pudorem naturalem, qui locum sibi vindicat postquam homo per peccatum descivit a sua prima dignitate, in qua Deus eum collocaverat per creationem: quo factum est, ut spoliatus illa primaeva gloria et dignitate; quae viles et abjectae functiones animalis naturae, et praesertim eae, quae generationem spectant, tegebantur, neque earum pudere necesse habebat, nunc peccato perpetrato eas decorare debeat pudicis moribus et institutis, nisi velit haberi ejusmodi qui se jactat et ostentat in rebus, quae ipsum hortari debebant ad se humiliter et submisce gerendum, utpote quae tales sunt, ut si non velentur, occultentur, aut ipsis aliunde petitus decor addatur, sed contra aut nude oculis hominum exponantur, aut cupide ad eas sese homo proripiat, et temere et effraenate ad potiundum incitetur, in iisque exultet, hominem rapient in odium et contemptum, putabiturque inverecondus; nihil pensi habens, qualem sibi in animis hominum excitet aestimationem; illamne quae parit vilissimae sui partis, ejusque functionum abjectarum ostentatio; an potius illam, quae nascitur ex nobilioris sui partis, hoc est rationis, usu. Ante lapsum in ea gloria et dignitate homo insistebat, ut functiones animales sui corporis eum non possent conciliare contemptum, quia supereminens dignitas ipsi versans ante mentis oculos, pellebat ita a functionibus animalibus illarum vilitatem, ut ejus sese pudere non haberet necesse: et quia ita singuli homines integri judicabant || de istis functionibus animalibus, ideo pudori orto ex consideratione vilitatis functionum corporis animalis ante lapsum non erat locus. Quid itaque mirum istius pudoris rationem ex naturae integrae legibus ostendi non posse, cum nihil esset in generatione, et in iis quae cum illa nexum habent, erubescendum homini: gloria et dignitas status integri amolens omnem contemptum a partibus generationi dicatis, earumque functionibus; quemadmodum adhuc viri dignitas supra mulieris eminens permittit illi multa sine probro et impudentia agere, quibus si mulier indulgeret, impudentiae notam effugere non posset. Non procedit itaque argumentatio ab immutabilitate legis sive rationis naturalis, in qua omnes leges naturales primaevae fundatae sunt: nam leges de pudore naturali ab illa ratione primaeva ortum suum non habent, sed vacuitas dignitatis originariae illis locum fecit: et quia actiones, quae contra pudorem naturalem committuntur, non aliter vitiosae habendae sunt, quam quia non satis ornatur et tegitur quod merito post lapsum nos in contemptum ponere potest: et quia in eo tota illius impudentiae, quae circa res venereas committitur, ratio consistit, Dei praeceptum et necessitatis casus vindicant ab impudentia actiones, quae extra illas circumstantias illo vitio non carerent: et quia Deus totum genus humanum ab uno principio ducere voluit, ideo in initiis mundi conjugia inter fratres et sorores vitio incestus carebant; quia non violabatur pudor naturalis, qui necessitati cedens, ab inverecondiae nota propterea se tuebatur; et ita in casu necessitatis membra generationi dicata oculis Chirurgorum et Medicorum nuda exponuntur absque impudicitia: quia abest vitium mentis prodentis temere id, in quo illi erubescendum est, et ita quasi sese jactantis in vili et contemptibili suo statu, cujus velo et integumento se privavit per peccatum. Et quia necessitas et Dei praeceptum tollit ab hujusmodi rebus earumque functionibus impudentiae vitium, Deus nihil contra rationem aut legem naturalem constituit, cum voluit ut totum genus humanum ab uno principio propagaretur; et ita conjugium inter fratres et sorores probaverit, quia non est contra rationem talia contrahi conjugia, sed est contra rationem impudice agere et pudori non parcere: quod in principio non contigit propter modo traditas rationes. Ex quibus jam etiam liquet leges illas de pudore et pudicitia naturali non niti usu et consuetudine arbitraria gentium; aut tantum pertinere ad humanitatem, urbanitatem aut ad cultos mores, quibus natio sine peccato carere potest, praesertim si longe sejuncta vivat ab iis gentibus, quae cultioribus moribus praeditae,

etiam pudicis suis moribus ipsis ruborem injicere possent, quod neglectae vilesque inter se degentes nullam rationem ducant reverentiae et observantiae quam sibi invicem debent, et quam in gentibus moratioribus conspiciant. Dico istum pudorem genitalem in hujusmodi morum numerum et classem non esse rejiciendum, quia non ad ornatum gentis, sed ad fugam illius vitii pertinet, quo vilitatem generi humano per peccatum conciliatam, et cujus nos pudere debet, temere et nude hominum menti objicimus et insinuamus: et ideo ab illa actione non magis peccatum abesse potest, quam ab homine, qui turpe aliquid in se commisit, sine vitio abesse potest demissus, fractus et sibi displicens animus: quae mentis constitutio certe non ideo in laude ponitur, quia mos patrius, aut consuetudo gentis, aut aliquod plebiscitum decus illi actioni alioquin indifferenti, aut tantum commendandae ab aliqua honestate et bonis moribus addidit, sed quia ratio jubet neminem debere in probro laudem suam quaerere, et quamvis hoc etiam cuique exploratum sit, impudentiam aut vacuitatem pudoris homini conciliare contemptum, et per illum contemptum ipsum minus esse munitum contra pericula et odia civium; formalis tamen ratio pudoris non est petenda ex illo commodo et munimento, quod aliquis sibi parat per pudorem: quatenus per eum excitatur in animis civium sui honor et reverentia; quamvis a posteriori et a consequentibus recte ex illo commodo, juxta principia jam tradita, petatur ratio, quare illa virtus colenda sit, et quare etiamsi nulla alia suaderet ratio, homines pudicitiam in pretio haberent; quia sine illa prima lex naturae, quae est sui conservatio ad exitum perducere non potest; et ideo principiis jam memoratis insistentes tam pudicitiam virtutem, et illi oppositam impudicitiam peccatum esse probamus, quam reliquis virtutibus et vitiis ex iisdem principiis suum locum et ordinem assignamus.

Neque hujus argumentationis vis imminuitur, quod multae gentes sibi indulserint in istis vitiis; neque arbitrati sint se honori et pudori suo defuisse, cum aut partibus genitalibus nudis incederent in hominum conspectu, aut ea conjugia usurparent, quae nos incestus vocamus: aut quod quibusdam gentibus virgines veneri sacrae, et scortatione victum quaerentes, sanctae sint habitae. Hujusmodi inquam objectionibus argumentorum nostrorum vis non eliditur. Nam primo neglectus pudoris homines adeo deducere potest a principii naturae, ut semina illa et simulachra virtutis, a quibus excitari debet disciplina atque doctrina de munere atque officiis pudoris, ita obumbrentur et obfuscentur, ut ultro et sponte sua se non ita prodant ut mens iis dirigatur et commoveatur; sed opus sit aliqua attentione, animadversione et exemplis, antequam istorum principiorum vis germinet et efflorescat; non tamen inde recte conficitur pudoris et pudicitiae munera non manare a natura, aut a recta ratione duci non posse. Eadem ratione dixeris, vindictam et ulciscendi studium susceptum animo nocendi illi, a quo nullum metuis periculum, et ut ita odio satisfacias, non esse contra rationem: quia totae gentes reperiuntur, quae furiali illa peste inflammatae, semper aliquod annorum intervallis vicinas et exosas sibi gentes invadunt, a quibus nunquam lacessuntur, neque ulla patiuntur damna: et tantum abest eas gentes ideo tangi aliquo conscientiae morsu, qui eas posset tardare aut revocare a tam pestifera consuetudine, ut contra summam in illis excursionibus laudem ponant, messemque gloriae constituent: suntque tamen eadem illae gentes quae genitalia nuda in hominum conspectu gerunt; et quae in aliis rebus multa signa bonae indolis, et quae facile virtutem arripit, produnt. Pudor semel attritus non facile redit, et in illis gentibus evenisse potuit, ut artium et vestium penuria, primo cum in illas terras, quas jam incolunt, delatae sunt, nudae incedere coactae fuerint; quodque ita tandem longo usu pudor in ipsis fuerit deletus; quem tamen si animum adverterent excitare possent, quia in aliis rebus multis, quae affinitatem habent cum genitali pudore, vis pudoris in iis emicat, quam si cura excollere vellent, non diu illis laterent officia atque munera pudoris.

Horum nunc memini ut solvam objectionem, qua statuitur barbaras gentes, quae consuetudinem gerendi genitalia nuda imbiberunt, peccati expertes esse, quia exemplo et

instituto aliarum gentium carentes, ipsis nihil contra in mentem venire potest, quo mores suos emendent, et magis pudicos adoptent. Quod praeterea apud gentes etiam politas et urbanioris notae scortatio in ipso cultu adhibita fuerit; et incestuosa conjugia eo decore honorata, ut regio sanguine ortis tantum essent concessa; quod apud Persas quondam obtinuit, inde nihil conficitur. Quicquid enim ex ritu religionis fieri putatur, id sanctum et justum censetur; et quod vitium et turpitudine alias in quibusdam rebus haerere videtur, ab iis tolli putatur quod illas perpetrandas nos hortatur. Et ideo male aliquis concluderet rem aliquam omnium gentium consensu non habitam fuisse turpem, quia illa usurpata in cultu divino, omni turpitudine, ex sensu gentis, carere visa est. Quemadmodum apud gentes quasdam prostibula quaedam Veneri sacra fuere, sicut inter Christianos multarum mulierum virginitas devota est. Neque congruentius ex illo instituto conficiamus meretricium vitae institutum et quaestum non fuisse habitum propudiosum, quia in cultu veneris meretrices in pretio et in honore erant, quam convenienter concludas, innocentium necem non fuisse damnatam a gentibus, quia humanis victimis in sacrificiis usae sunt. Ita non bene inferas; incestum non damnat consensus gentium, neque ab eo abhorret natura, quia quidam putarunt se in quibusdam casibus aut pietatem colere, aut quibusdam familiis dignitatem et decus addere, quando ex incestuosis natos conjugii reliqua multitudine aut sanctiores aut praestantiores habebant. Sed quod caput est in huiusmodi controversiis. Debet jacere omnis consuetudo etiam moratiorum gentium, quando ratio illam damnat: quia nullus hominum consensus, aut mos antiquus praescribere potest contra Deum aut rationem rectam. Quae natio disciplinis et morum urbanitate Graeca prior fuit, tamen ea saevitas in earum moribus ut infantes, quos pigebat tollere, exponerent? Sic apud Cornelium Nepotem in Cimonis vita legimus eum habuisse in matrimonio sororem germanam, non magis amore (ut narrat Auctor) quam patrio more ductus. Quis populus Atheniensi moratior, et humanioribus artibus magis deditus, quis ex testimonio Apostoli Pauli magis superstitione captus, et idolorum cultui magis addictus: ita ut undique comperire liceat verissimum esse quod dicit Apostolus *Rom. Cap. I. Gentes cum se dicunt sapientes, stultae factae sunt*. Et illae aberrationes gentium a naturae institutis in rebus pudoris eo faciliores et frequentiores; quia sui et pacis atque societatis conservatio legum pudoris constitutionem non ita secum trahit; quemadmodum eandem illam conservationem necessario comitatur legum de jure et justitia promulgatio; quia Societas, quae illis legibus caret, statim illa incommoda experitur, ut dilapsa corruat: at in gentibus, in quibus pudor periit, nulla ferme oriuntur incommoda ex neglectis pudoris praeceptis atque legibus, quod quivis facile mente comprehendere potest. At postquam pudoris leges in gente vigere incipiunt, tunc nemo illas negligere potest, qui abjectus vilisque inter suos haberi non velit. Propter eandem rationem gentes invenias de quibus dubites an suspicentur ullum numen esse, in quibus tamen leges justitiae vigent: quia necessitas conservationis sui illis necessitatem imposuit eas condendi. Et haec causa est quare illi, qui legum naturalium rationem formalem petunt et ducunt a lege fundamentali, nempe *conservatione sui*, impudentiam circa res et actiones genitales non numerent in classe vitiorum; quia ab illa lege de conservatione sui non manat ratio istorum peccatorum, quae contra pudorem naturalem committuntur; neque ex illa lege fundamentali non aliter istorum peccatorum ratio assignari potest, quam eorum omnium, quorum hominem cum ea perpetrat, pudere debeat; et impudentia, quae in genere denotat vacuitatem pudoris debiti, et quem quilibet, nisi immodestus haberi velit, subire debet cum aliquid se indignum committit, ex illa fundamentali lege vitii arguitur, sed non impudicitia: aut saltem ex illa lege ostendi non potest, plus vitii esse in rebus, quas contra pudorem naturalem fieri dicimus, quam in iis, quas homo alicujus ordinis et loci inter suos committit contra arbitrariam consuetudinem hominum cultioribus moribus. Ex quibus rursus manifestum est legem fundamentalem de *conservatione sui* ostendere, quare virtutes colendae sunt, non autem || qua in re

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*De peccatis, quae contra hominis dignitatem committuntur*

Accedimus<sup>72</sup> ad secundam classem, quae continet ea peccata, quae contra hominis dignitatem committuntur. Ex hac notâ primò est ebrietas: quia cum Deus mihi largitus sit rationem, aut frustra eam mihi concessit, aut eam mihi corrumpere non licet pro libitu. Et cum Deus ad certas actiones me destinaverit, quae mihi innotescunt ex appetitu, et facultatibus animae, et membrorum structura: inde etiam sequitur, Deum simul imperasse ab iis me abstinere, et temperare, quae suâ naturâ eas innuere videntur, quae prioribus contrariae sunt: hinc concludo Deum mihi non reliquisse arbitrium eos gestus, incessus, membrorum flexus, etc. adhibere, qui repugnant isti personae, quae mihi in hâc mundi | scena agenda  
 90 est. Et hinc inferimus eas actiones, gestus, incessus naturâ prohibitos esse, quae indicium faciunt earum imperfectionum, quibus Deus hominem carere voluit: idque ostendit per actualement collationem donorum, quae per alios gestus, et corporis fabricam sese produnt. Nam si tales gestus et incessus essent homini arbitrarii, sequeretur Deum voluisse, ut simul stulti, insani etc. personam sustentem in hac mundi scena, et viri sapientis, atque sobrii: ut habear pro eo, qui ratione praeditus, et per eam facultatem, actiones dirigo: et qui simul omnes insani hominis notas prae me feram.

Quare quemadmodum mundi creatio, ejusdemque gubernatio me ducens in cognitionem creatoris, omnipotentis, sapientis, justī etc. non sinit  
 91 me contrarios de eo conceptus formare: aut | eum repraesentare sub re debili, infirmâ, nihili, et undique imperfectionis notas prae se ferente: sic neque mihi licet gestus externos adhibere, qui cum naturali dignitate hominis non congruunt; et innuunt eas imperfectiones, supra quas longè me eminere voluit Deus. Neque refert, quod ex circumstantiis, spectatoribus innotescat facile, tales gestus adhiberi gratis, et animi oblectandi gratia: aut ut aliorum imperfectiones iis repraesententur: sicut fit in ludis scenicis. Haec inquam instantia turpitudinem à talibus actionibus non aufert: cum ea, quae ex usu et consuetudine gentis turpitudinem et imperfectionem inferunt, hominum paucorum arbitrio à tali naturali

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formalis earum ratio contineatur. Haec ulterius non persequar ne haec epistolica dissertatio modum excedat; et quia in tractatu singulari tota haec res enucleatius disputatur. Sufficiat ea nunc in medium protulisse, quae continent fontes solutionum objectionum, quas supra recensuimus; et quarum nodum speciatim solvere supersedemus; ut vitemus taedium: et aliquid superesse sinamus, in quo lectoris industria sese exerceat.

<sup>72</sup> Inserted in 1680: 'nunc'

significatione nudari non possint: alia est notarum ratio quae ex simili  
 92 communi instituto non fluunt: aut quae turpitudinem non infe|runt. Sicut  
 itaque in hominis potestate non est, facere, ut imperfectiones perfectio-  
 num nomine veniant: ita ea imperfectionum signa facere non potest, ut  
 talia non sint. Signa enim naturalia perfectionum fluunt immediatè à  
 naturalibus facultatibus, et notae sunt earundem. Quo argumento itaque  
 adstruitur Dei voluntatem esse, ut illae facultates integrae a nobis con-  
 serventur, eodem probatur gestus, flexus corporis membrorumque, inces-  
 sus etc. adhiberi oportere, qui earundem facultatum indices sunt: et hinc  
 liquet, ut id obiter dicam, quomodo homo secundum corpus et animam  
 ad Dei imaginem creatus sit: corporis fabrica exterior declarat animae  
 dotes internas.

Hic autem observari velim distinctionem inter signa, quae naturaliter  
 93 significant, et quae ex instituto: deinde inter ea, quae nat|uraliter deno-  
 tant perfectiones fluentes ex hominis conditione et natura, ut homo est:  
 et inter ea, quae nobis repraesentant perfectiones, quae ex circumstan-  
 tiis conditionis, et personae, || nobis adesse debent: quemadmodum alii 986  
 gestus decent Regem, quatenus rex simpliciter, alii quatenus bellicis nego-  
 tiis intentus, aut in consiliariorum corona de salute regni consulit. Tertio  
 inter ea signa, quae designant perfectiones quibus nemo se privare potest,  
 et ad quas omnes et singuli adniti debemus: et inter ea quae quidem  
 denotant perfectiones, sed quibus homo citra peccatum, si absolutè ip-  
 sum consideres, carere potest, et faciunt tantum ad bene esse, atque homi-  
 nis conditionem exornant. Gestus contra talem ornatum, arte et indus-  
 tria acquirendum, hominem peccati reum non faciunt. Et huc etiam |  
 94 commodè ea omnia referuntur, quae spectant civilitatem morum: arti-  
 culatè loqui, modestè et compositè incedere, quo animi modestia singu-  
 laris perhibeatur: manibus lotis prandium aut coenam capere, manuum  
 et faciei nitorem curare, unguium excrescentiam nimiam praecidere, in  
 screatione faciem avertere: ad opera naturae, vesicae aut alvi exoneratio-  
 nem secessum quaerere: (latebras quaerere, si cum muliere congregien-  
 dum sit:)<sup>73</sup> eas partes corporis tegere, quae humanam infirmitatem spe-  
 ciali quadam ratione denotant.

Denique oportet distinguere inter gestus, qui levem aliquam et ambu-  
 lativam imperfectionem denotant; et inter ea, quae insignem: priores  
 adhiberi posse existimo, propter rationes supra traditas ad probandam  
 95 actuum quorundam indifferentiam: nam alio|quin levis in latus inclina-

<sup>73</sup> Deleted in 1680.

tio, ad repraesentandum flexum et incesum ebrii, illicita foret: et huic similia infinita peccatorum numerum augerent: quod nemini, nisi praeiudicii occupato, in mentem venire potest. Quod autem supra diximus de revelatione pudendorum, eam sc. malam esse si nota sit petulantiae, aut comitata defectu debitae reverentiae, quam proximo debeo:<sup>74</sup> Sic etiam gestus et flexus corporis tunc tantum mali sunt, quando rationem notarum (imperfectiois, qua nos carere voluit Deus, induunt):<sup>75</sup> si autem amplius notarum naturam non possideant, eorum consideratio ad Ethicam non spectat, neque boni aut mali vocandi.<sup>76</sup>

*Mendacium officiosum semper peccatum non est*

Solent Theologi communiter ad hujus naturae peccata referre *mendacium* quasi esset peccatum contra usum naturalem linguae: | atque adeo  
 96 in quovis casu illicitum putant: quae sententia me nunquam suffragatorem habebit. Eo enim sensu, quodvis verbum, aut signum ab homine ad aliud significandum, prolatum, quam ex consuetudine significare solet, atque contra mentis sensum, peccatum foret. Neque canem v. gr. per blanditias allicere liceret, quem ita ad me pertractum male excipere decrevi: neque hosti per stratagemata imponere, aut falsò et fraude conceptis literis circumvenire, quamdiu scil. bellum, aut hostilis status durat: quae omnia mihi perabsurda videntur. Quare mendacium ad ea peccata soleo referre quae *in proximum committuntur*, et ejus jus violent.<sup>77</sup> Et ideo vulgò illa signa contra significantis mentem, et animi sensum prolata, odioso mendaciorum nomine notantur, quae proximi injuriam et juris ejus violationem | post se trahunt: ubi autem de talis juris violatione suspicio  
 97 non est, sicut in stratagemate bellico, et fraudibus, quibus adversus bruta utimur, ibi neque à vulgo mendacia vocantur. In quibus autem casibus ambigitur, an proximi jus violentur, illi casus disputationibus de mendacio

<sup>74</sup> Inserted in 1680: 'nactus enim solitudinem homo ea detegere potest: peccatum enim contra pudorem naturalem commissum eo continetur, quod homo proximi iudicium de vili et abjecto partium genitalium usu extimescere debeat.'

<sup>75</sup> Corrected in 1680 from: 'sustinentium imperfectionum earum, quibus nos carere voluit Deus:.'

<sup>76</sup> Inserted in 1680: 'In classem peccatorum contra dignitatem hominis naturalem commissorum rejicio Scortationem, Polygamiam, Divortium et Concubinatum: sed quia haec res est majoris spiritus et operae, quam quod hic absolvi possit, eam reservamus tractatui peculiari: in praesentia tuae industriae rem permittens.'

<sup>77</sup> Inserted in 1680: '; et ita nota injustitiae imbuta sunt'

officioso, sitne licitum nec ne, occasionem prae||buere: disputatur enim 987  
 an proximus in tali casu de suo jure cessisse non videatur, vel eo excidisse  
 ipso facto. Ego quamvis <omnia mendacia officiosa, quae vulgò defendun-  
 tur, ex aequo fieri non putem, in omnibus tamen casibus damnanda non  
 existimo; non magis quàm communiter Theologi non damnant quamli-  
 bet rei alienae detentionem, contra domini voluntatem, v. g. detentionem  
 gladii domini ira perciti, et illegitimam vindictam parantis.><sup>78</sup>

*De peccatis, quae contra proximum committuntur*

- 98 Hactenus de iis peccatis actum est, quae contra Deum, aut in se ipsum  
 homo committit: restat ut festinemus ad tertiam peccatorum classem,  
 quae contra officium proximo debitum fiunt. Regredi itaque lubet ad pri-  
 mum principium: cum Deus mihi commendarit vitae membrorumque  
 integritatem, neque ego hanc vitam et spiritum vel ad breve tempus pro-  
 ducere sine mediorum ope possim, sequitur Deum jus mihi concessisse  
 ad media, sine quibus mihi vita salva esse non potest. Qui enim dat jus  
 ad finem, dat etiam jus ad media. Hinc tale conficio axioma: *In ea mihi*  
*jus possessionis et usus competit, quaecunque mihi ad consecutionem finis*  
*eorum, quae supra dixi Deum à nobis requirere, utilitatem praestare pos-*  
 99 *sunt.* Cum autem judicem sano et incorrupto judicio omnes mundi crea-  
 turas mihi eum usum prae||stare posse: ergo in omnes jus habeo. Quod  
 autem judicium meum sit verum, ita patet. *Primò*, quia singuli homines  
 singulis creaturis legitimè utuntur: neque ulla est, quae eorum usui inter-  
 dicta est. Quibus ergo singuli utuntur, iis solus uti posset sine peccato:  
 neque à parte creaturarum<sup>79</sup> sese offert ulla contradictio moralis: an autem  
 aliorum hominum respectu, quaedam iniquitas inde oriri possit, postea  
 examinabitur. *Secundò*, nisi illud judicium eâ ratione institutum rectum  
 foret, non dabitur ulla regula, secundùm quam judicium institui poterit  
 de iis, quae Dominus Deus homini utenda concessit: aut quae illa sunt,  
 quae ejus juri et dominationi subtraxerit. *Tertiò*, aut omnes creaturae con-  
 cessae sunt in usum hominis, aut nullae; nam si unius creaturae aptam,  
 100 concinnam, et naturalem | formam destruere liceat ad meum usum; quid-

<sup>78</sup> Replaced in 1680 by: 'mendacia, vulgo sic dicta, eo nomine a vitio non libero, quia sunt officiosa, et inde in proximum redundat utilitas; sed illa a peccato vacua puto, in quibus jus proximi non laeditur.'

<sup>79</sup> Inserted in 1680: 'irrationalium'

ni et omnium, si ita expediat? Ergo liquet, ex parte creaturarum<sup>80</sup> nihil obstare, quin singulis et omnibus uti liceat homini: difficultas superest, an id repugnet ex parte proximi, quem sub illis creaturis non comprehendimus. Quid itaque proximo debeam, examinandum jam est.

*In statu primaevo singuli totius universi  
domini sunt, hominibus scil. exceptis*

Probavimus homini jus esse ad possessionem, et usum creaturarum ratione carentium: cum autem proximus meus in eâdem constitutus sit dignitate, quam Deus me sustinere voluit: iisdem etiam privilegiis gaudere debet, quibus ego: ergo et illi par et simile jus erit in omnes creaturas: atque ita et illi et mihi licebit iis uti. Neque ex creaturarum respectu, alia pars proximo, alia mihi consignata est: ergo aliunde investiganda, quae  
101 mihi creaturarum portio assignata sit, quae pro|ximo. Hic licet adversarii mentem in omnes partes versent, et omnia sua scrinia excutiant, fatendum est distinctionem bonorum ex pactis originem trahere. Quod satis illi indicant, qui docent in extremo necessitatis casu jus primaevum reviviscere: et illarum rerum usum fieri legitimum in tali casu, quae concesserant ex pactis in possessionem et dominium proximi. Necessariò coguntur et illi in hanc sententiam transire, qui tamquam aequum defendunt, in dissoluto reipublicae statu, in quibus magistratui non amplius sua constat autoritas, unumquemque sibi prospicere, et ea bona, quae ante turbatum statum proximi erant, invadere: si modo sit paratus restituere bona proximi, quando sua tutò possidere poterit: cum aliter suo juri non renun-  
102 tiaverit, quod in bona proximi habebat, tamquam universi | dominus, nisi ubi suorum bonorum sartam tectam possessionem habere liceat.

Sed objicies: singulis quidem certa portio assignata non est, sed mundi pars qualiscunque: neque uni licebit totum mundum subigere: nam inde sequeretur || licere uni homini, si potestatem in manu haberet, alios pri- 988  
vare vitae necessariis, imò eos occidere, quod supradictis repugnare videtur: cum Deus decernens homini vitae usuram, simul decrevit illi largiri necessaria ad vitam: quae alter illi, nisi in extrema necessitate constitutus, eripere non potest (etiâmsi nulla pacta divisionem bonorum introduxissent) quin statim finem à Deo in proximi creatione intentum subvertat. Deinde objici posset, dari quasdam naturales condiciones, in quibus si

<sup>80</sup> Inserted in 1680: 'irrationalium'

103 homo nascatur, aut alia quacunque ratione reperiatur, jus ipsi nasci ad certam mundi partem, ante omnia pacta, tam implicita, quàm explicita: quâ parte alter eum exuere non potest, aut simile jus in eam vindicare sibi. Ea ratione liberi jure nativitatis adipiscuntur haereditatem paternam: et qui tempestate ad insulam devolvitur incultam, et hominibus vacuum, is naturae lege istius insulae dominus est.

Respondemus: non tantum in extremo necessitatis casu, aliquis mundum posset sub jugum mittere, posito aliquem in talem necessitatem posse devenire; sed etiamsi aliquid commodi inde sibi polliceri posset: quemadmodum domino licet rebus suis uti pro suo libitu; neque in illarum usu contra justitiam peccat, qua tenetur proximo reddere quod suum  
104 est: sed tantum in se ipsum praevaricari potest. Ergo nullus | propter jus proximi, quod in universum ante pacta habet, cogitur desistere à debellando mundo: tunc enim illud imperium quasi in medium projectum est: et tamquam vacuum et desertam possessionem cuivis invadere licet: quatenus sc. nullum jus proximi illud impedit. Sed cum proximo tantundem juris sit, quam mihi, et saepe non minus virium, quàm mihi, si non ad occupandum imperium, saltem ad persequendam vindictam: ego graviter peccaturus sum in legem de conservatione mei ipsius, nisi ad divisionem bonorum veniam; cum alioquin statum belli evitare sit impossibile, qui cum calamitosus, et utrique parti exitiosus sit, istum defugere teneor.<sup>81</sup>

⟨Singulis autem⟩<sup>82</sup> hominibus in totum hoc universum jus esse, jam efficacissimis argumentis probaturi sumus: hoc enim fundamento reliquae  
105 leges naturales, | quae proximum spectant, innituntur. Probatur *primo* inde, quia in extremo casu necessitatis ad omnia quaecunque mihi ad vitae conservationem necessaria sunt, jus reviviscit: dico jus antiquum et primaevum reviviscere; non ⟨de novo⟩<sup>83</sup> acquiri: cum mea calamitas mihi ad ea, ad quae antea jus non habebam, jus non pariat. Quemadmodum ut mortem defugere possim, non licet in cultum naturalem peccare, aut contra decorum naturale aliquid committere, cum istaec omnia meo arbitrio nunquam subjecta fuere, sed ego illis: at extremum periculum tollit conditionem, sub qua cessionem juris ⟨feceram⟩;<sup>84</sup> et si eadem necessitas mihi

<sup>81</sup> Inserted in 1680: 'Possum etiam libidine dominandi, avaritia, immoderato metu, etc. transversus agi; ita ut plura appetam, quam lex *conservationis sui* imperat: et ita possum proximum mactare infortunio temere, sed ideo illi a me nulla oritur injuria; quia jure naturali quivis sui metus justus, an injustus sit, arbiter et judex est.'

<sup>82</sup> Replaced in 1680 by: 'Porro singulis'

<sup>83</sup> Corrected in 1680 from: 'de de novo'.

<sup>84</sup> Corrected in 1680 from: 'fecerant'.

semper incumbat, et posteris, jure in secula ea bona possideo, quae postliminiò, ut ita dicam, in extremo necessitatis casu ad me rediere.

106     *Secundò*, docet doctissima Theo|logorum et Jurisconsultorum pars, in moderamine legitimae defensionis, defendentem non fieri personam publicam; sed jure suo primaevo uti, quod Deus singulis concessit ad vitae suae conservationem. Scio equidem doctos reperiri, qui docent in extremo necessitatis casu homini jus non reviviscere ad bona proximi, sed cuique suam sortem fortiter ferendam esse. Sed iidem, cum tueantur tanquam justum, moderamen legitimae et inculpatae tutelae, sibi in his contradicunt: nam tali in casu occi|do justè proximum; non quia mihi fecit 989 injuriam: sed quia meae curae à Deo commendata est mei defensio. At si cum dispendio vitae proximi mihi liceat meam defendere; quanto magis cum dispendio bonorum proximi, quae vitâ longè inferiora sunt. Quamquam agnoscam me longe aliter | in mei defensione occidere proximum, 107 quam ejus bona mihi vindicare: quam distinctionem postea indicabimus; sed ea discrepantia, argumentum nostrum ex moderamine legitimae tutelae sumptum non infringit.

At dices quid haec faciunt ad probandum unum et singularem hominem jus habere in totum universum; nihilque ex parte proximi ob stare, quò minus universum totum una servitute, ut ita dicam, premere possit, si judicet recto judicio id suis rebus expedire? Sed mihi magnoperè conducere videtur probandae rei, quam prae manibus habemus; si enim propter vitae meae defensionem liceat bona et vitam proximo eripere, ut mea salva sit: imo si propter conservationem bonorum, privilegiorum, libertatis, etc. liceat in bellum contra proximum erumpere: quanto ma|gis licebit 108 cuivis bona illa vindicare sibi soli, quae cedunt primo occupanti, et proximum iis omnibus spoliare, quibus me possessione mea exuere contendit: aut quando justus metus est, eum istud facturum, si commodam occasionem nancisci potest: cum ea quae demam proximo, ante pacta proximi non magis erant, quàm mea; sicut in bello jure acquiruntur bona hostis, quia cessantibus pactis, redit jus primaevum, quo singuli in omnia jus habent: quamquam nec hostis suo jure excidit, et saepe eodem jure sua defendit, quo alter ea eripere contendit: si hostis ultra modum saeviat, et aequâ conditione pacem ferruminari et coagmentari non sinat.<sup>85</sup>

<sup>85</sup> Inserted in 1680: 'Imo bellum ab utraque parte aequè justum, quando ea quae illud infert, et ea quae se ad defensionem parat, existimat jus et aequum in sua causa versari: quemadmodum a culpa absunt, tam qui adversario diem dicit, quam qui in lite se defendens ad constitutum venit; si modo fraude et calumniandi animo vacent.'

*Tertiò* probatur singulis hominibus jus concessum in totum hoc universum, quia cum jus ad usum et possessionem rerum de|sumi debeat ex utilitate, quam ad me redundaturam confido ex rebus, sicut id supra probatum est, quando docuimus homini licere quiblibet creaturis uti: et iudicii illius regulae tantùm sint praecepta circa cultum Dei, aut decorum naturale, aut conservationem sui: ita ut quicquid in hoc universo judicaverim expedire rebus meis, in illud jus habeo: et ad possessionem ejus me accingere possum: nisi lex de conservatione mei ipsius repugnet: reliquae enim leges de cultu et decoro naturali creaturas non attingunt: non autem jus aliquod proximi in easdem creaturas ante pacta: quomodo enim mihi jus proximi (innotescit?)<sup>86</sup> Non erit proximi iudicium indicans quibus ego contentus esse debeam: quare enim ejus iudicium meo superius<sup>87</sup> erit? Non conditio aliqua in quâ nascitur, aut quâ proximum prae|munitum offendo: sed qualitas filii v. gr. ut ad priores objectiones respondeam, non dat jus ad haereditatem paternam, nisi ex pactis; licet talis successio naturae admodum sit consentanea. Est enim illa dispositio testamenti, qua filius succedit in bona paterna, libera: neque tenetur pater filium haeredem instituere, si iudicet id rebus suis non conducere: et tantum abest filio naturâ jus competere in bona paterna, ut pater filium vendere possit. Est itaque filius sub dominio patris, et omnia filii bona, nisi pater eum emancipaverit, et aliud legibus civilibus cautum sit.

Neque etiam prima occupatio ante pacta, jus proximi in aliquas creaturas indicabit: quia *primò* tunc nullo jure, in quocunque etiam necessitatis casu constituar, ad me redire possunt talia bona, cum id || tantùm locum 990 habeat in | bonis, quorum (cessionem feci proximo voluntariam:)<sup>88</sup> at paucos reperias, qui bonis eâ ratione partis talem praerogativam concesserint. *Deinde* quare ex primâ occupatione potius jus proximo accrescet, quàm ex prima detectione, quae oculis fit: certè hic nihil aliud reperies quam gentium institutum, quod primo occupatori jus in illam terram accedere voluit; non autem ei, cui primum in conspectum venit. *Tertiò* finge duos homines, alterum pedibus pernicem, alterum tardum: liquet quàm iniquè hic composita sint paria in acquirendis dominiis: ideo etiam illi primae occupationi ex natura non debetur jus in id, quod occupatur: sed pacto implicito et instituto.

<sup>86</sup> Corrected in 1680 from: 'innotescet?.'

<sup>87</sup> Inserted in 1680: 'et potius'

<sup>88</sup> Corrected in 1680 from: 'cessionem feci proximo voluntate:'.



Neque etiam proximi miseria mihi jus in universum restringet, aut charitas dictabit, quid et quantum mihi occupare liceat, et quid | proximo relinquere. De charitate supra dictum est, et satis indicatum, non à proximo, sed à me ipso eam incipere, juxta illud, *Diliges proximum tuum sicut te ipsum: et, Quod tibi fieri non vis, alteri ne feceris*. Deinde quaecunque ex charitate debeo proximo, ille reatus debendi non oritur ex jure aliquo, quod proximus naturâ in ea habet. Sed instabis: attamen pacta et bonorum divisio necessaria est; licet ratione, et per concomitantem libertatis actum fiant: quia sine talibus pactis Deus finem in hominis productione sibi propositum assequi non posset: cum ex talibus et similibus pactis leges naturales educantur, quibus homo non potest non sese subjicere, et eas sibi constituere per rationem: et ideo proximo pars mundi competit, et multa illi debeo: ut plane in omnia jus non habeam.

113 Sed hâc instantiâ nihil aliud efficitur, quàm legum naturalium eam esse naturam, ut proximo inde *aliquid*<sup>89</sup> jus adveniat, quod jus sicut necessariò ex legibus naturalibus fluit, sic etiam proximo naturale est: et potest non fieri, quin si legi Dei de *conservatione mei ipsius* parere velim, partem mundi proximo cedere tenear: quod negatum non fuit. Sed probandum erat, nos ad legum naturalium constitutionem progredi, quia proximo aliquid debemus: quod negamus, et pernegamus. Fit enim quia nobis aliquid debemus: quod opus explere non possumus, quin eâdem operâ inde etiam ad proximum redeat utilitas. Sic enim argumentamur v. gr. in constitutione legum charitatis: opera charitatis sunt exercenda, quia nisi etiam iis vacent homines, humana conditio singulis acerba futura  
114 est etc. Dum | itaque singuli ita argumentantur, propter incommoda, quae quisque ad se redundatura praevidet, si opera charitatis ex humana vita tollantur, concludunt singuli, ea esse exercenda, nisi infinitis commodis sese privatos velint. Sed quia plurimi illam methodum investigandi leges naturales, quae officia nostra in ordine ad proximum dirigunt, improbant: et hâc methodo reliquae leges naturales investigantur: lubet difficultatem unam aut alteram movere.

Si haec sit ratio investigandi leges naturales: ergo quodcunque mihi summoperè noxium est, id erit contra legem naturalem: quod utile, illud legi naturali conforme erit. Ergo si sine periculo talionis possum fraudare creditorem, rectè fecerim: si hostem sine metu vindictae obtruncare, ex  
115 aequo hoc factum erit. Deinde cum plurimum mihi nocere de|beat, si multi eandem quam ego profiteor artem amplectantur: contra aequitatem

<sup>89</sup> Corrected in 1680 from: 'aliquid'.

naturalem peccant, si plures in eodem genere vitae sese exerceant. Has et similes objectiones tanti momenti esse putant nonnulli, ut iis subverti posse confidant, quicquid hactenus pro ea methodo, quam urgemus, afferri potuit. Sed quis unquam hac ratione argumentatus est? Quicquid propter singulares circumstantias alicui privato utilitatem conciliat, aut noxam depellit, id lege naturali imperatur, aut prohibetur. || Sed sic argumentationem oportet instituere. *Quicquid in genere et suâ naturâ ita comparatum est, ut sine insigni noxa generis humani, eo homines carere non possint*;<sup>90</sup> aut quod si promiscuè permittatur, non levi damno mulctabit genus humanum, id lege naturali prohibitum est. Quae jam hinc resultant  
 116 incommoda: | an societati humanae non summopere calamitosum futurum est, si jure semper occiderim eum, ex cujus morte par mihi periculum creari non potest? Quod autem objicitur de plurimis idem aucupium et eundem victus quaerendi modum sectantibus; id non officit nostris principiis: nam neque licet homini id vitae genus profiteri quo vitam tueri non potest. Sed dices: attamen proximo injuriam nullam facit, si illum quaestum sectatur, qui duos alere non potest: quia pactis implicitis aut explicitis numerus idem artificium profitentium definitus non est: sicut mundi partes partitae sunt, et singulis ejus certa portio assignata.

Respondeo, proximo eo quidem non fieri injuriam, propter rationem traditam: numerus autem definiri non potuit, nec debuit ex legibus naturalibus; non | magis quàm reliqua omnia, quae magistratus post initam societatem jure naturali permissivo ordinat, quia illae artes, et victus quaerendi modi cum hominis statu naturali connexi non sunt; non magis quàm certae reipublicae formae, licet aliqua semper requiratur: et quemadmodum definiri lege naturali non potuit, ad quam liberalitatem et ad quos charitatis actus homines obstringantur; licet ex ratione probari possit, omnes et singulos charitatis legibus obnoxios esse.

Objici posset praeterea: si ex necessitate leges naturales, quae proximum spectant, introductae sint: ergo nemini licebit vitam suam impendere pro salute proximi: quia lex de conservatione sui ipsius introduxit leges alias; quae si non esset à Deo imperata, aliis legibus locus non superfuisset: si autem liceat homini observa|tionis istius fundamentalis legis sibi gratiam facere, nullae leges naturales necessariae erunt: sed homini arbitrariae: quod absurdissimum. Vitam autem hominem pro proximo

<sup>90</sup> Corrected in 1680 from: 'possunt'.

deponere debere, aut saltem posse sine praevaricatione, manifestè Sacra Scriptura docet.<sup>91</sup>

(Respondemus)<sup>92</sup> legem illam de conservatione sui ipsius non esse ejusdem necessitatis, cujus sunt leges de cultu naturali; et quae prohibent peccata contra naturam, aut contra naturalem hominis dignitatem: quia in his nunquam potest evenire casus, qui hominem in praestanda obedientia aut dispenset, aut sui juris faciat, velitne potius aliquod damnum pati, et ad perfectionem illam niti, quae in observatione istarum legum speratur: an potius missâ illâ contentione, praestantes illos actus virtutis  
 119 non exse|rere. In illa autem lege de conservatione sui ipsius, tales casus evenire possunt: quia eâdem necessitate non imperatur: non potest enim in ea demonstrari eadem contradictio moralis, quae in legibus supradictis cuivis obvia est.

Talis equidem contradictio facilè eruitur ex supradictis: cui Deus agendi partes in hoc mundo assignavit, et actus virtutum, quae praesupponunt

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<sup>91</sup> Inserted in 1680: 'Respondemus nos supra non semel inculcasse, virtutis colendae rationem duplicem esse: unam, quae obtinebat in statu integro, in quo homo virtutem sectabatur, non ut malum vitaret, et bonum aliquod, cui locus factus est post peccatum et misérias invectas in mundum, sibi pararet, sed virtuti sese dabat, quia natura integra hominem eo ducebat, ferme eo modo, quemadmodum homo cibo et potu utebatur non ut mortem vitaret, sed quia naturalis corporis constitutio ipsum ad edendum impellebat; et quemadmodum homo sanguinis temperamento ad alacritatem et hilaritatem dispositus gestit, cantat, frontem serenat, non ut se recreet et tristitiam depellat: sed quia alacris et hilaris est, ideo actiones illi convenientes hilaritati, exserit. At postquam peccatum mortem et omnes misérias, quae ad mortem ducunt, invexit, et homo non tantum bonum novit, sed etiam bono oppositum malum: neque virtuti illud sit per se praemium, ut hominem a malis naturalibus immunem praestet: si homini aliunde non ostentaretur praemium virtutis, non esset causa quare sectando virtutem sese mulctaret malis: et ita extra illam praemii propositionem, non solum ipsi liceret vitam suam potius ducere proximi commodis; atque ita non oppetere mortem pro proximo, sed ageret contra rationem, si vitam proximi anteponeret suae; et ideo ex hoc principio de *conservatione sui*, sejuncto ab ostentatione et propositione praemii facta a Deo, non potest duci hoc hominis officium; nempe ipsum in aliquo casu posse, aut debere salutem proximi praevertere suae: et ideo lex illa fundamentalis de *conservatione sui ipsius* || deficit in hujusmodi officiis: quia  
 992 usum et pulchritudinem virtutis tantum colligit ex commodis, quae ex virtutis studio, inter homines vigente, redundant in societatem civilem; et quae commoda consisterent, etiamsi nullum praemium virtutis cultores post exactum hoc vitae curriculum maneret. Concedimus itaque (ut ad objectionem respondeamus) ex lege fundamentali de *conservatione sui*, considerata absque praemio, quod virtuti foris accedit, non sequi hominis officium unquam esse posse, sive ad heroicam virtutem collineet, sive vulgaris charitatis munera tantum exequi paret, ut pro proximo mortem oppetat: sed si virtutis pretium aut dignitas sive a sua ratione formali petatur, sive a praemii spe, dicimus posse evenire casum, ut egregiam virtutem experiri liceat in se devovendo pro proximo, et vitam pro ejus salute impendendo.'

<sup>92</sup> Replaced in 1680 by: 'Et tamen tali in casu dicimus,'

vitae usuram, ei non licet vitam tamquam rem vanam sine virtutis experimento profundere. Non autem similiter hîc talis moralis contradictio sese manifestat. Cui Deus vitam largitus est ad exercitium virtutum, et ut stadium suum decurrat, illi non licet vitae finem accelerare; modo illa acceleratio non ponat obicem, quo minus metam attingere possit, vel qui eum  
 120 ultra ipsos carceres repellat: quod fit, si quis sine virtutis exemplo | vitae finem sibi imponat: omnia enim virtutum exercitia sibi intercludit: quemadmodum is, qui otio torpescens, aut medicatâ potione rationis usum sibi interdicens, et ita sibi viam ad scientiam et eruditionem intercludit, graviter peccat; licet non ejusdem peccati reus teneatur, si ad summam prudentiam semper non contendat, modò in aliis rebus industriam suam occupatam teneat, ex quibus etiam virtutum messem sibi polliceri possit. Ea tamen in hisce discrepantia est, quod vitam cum morte commutare nemini liceat, nisi propter insignem utilitatem, quae inde attinget proximum. Non enim suo pretio aestimat vitam, qui eam in re levissima it perditum: cum Deus homini eam ad usus insignes largitus sit, quos prae-  
 121 properâ morte intervertere non oportet: quemadmodum neque aliquis si|bi rerum creaturarum usum maxima ex parte interdicere potest, et vitam suam multis incommodis afflictere, sine spe amplioris boni, scil. virtutum exercitii: verissimum enim est eâ ratione id, quod Apostolus docet, *Nemo carnem suam odio habet.*

Et hinc jam apparet duplex necessitas condendi leges naturales. *Primò:* quia non erat fas homini imperium in creaturas prorsus abdicare, et sese alterius clementiae et imperio committere; non magis quam jam alicui fas est, per supinam negligentiam paupertati et aliis miseriis sese sub-  
 122 jicere: aut civitati integrum est, sese hosti in duram servitutem tradere, quando sat virium habet ad sui defensionem: utilitas enim quam quis ex tali patientia et demissione sperare posset, nullo modo conferenda  
 993 est cum damno, probro, atque ignominia, quae meritò in | eos cadit, qui tales vitae suae desertores existunt. *Se||cundò:* etsi iniquum non fuisset, homines eò usque sese demittere, propter virtutem patientiae, ut omnes sese unius arbitrio extra necessitatem committere potuissent: cum tamen impossibile sit, omnes in illum animum mentemque conspirare, etiam necesse fuit ad partitionem bonorum venire, et ad alias leges naturales, sine quibus homo, qui omnia extrema pati paratus non est, vitam degere non potest. Duo ergo ex supradictis conficimus. *Primò:* hominem non teneri sese exponere morti propter proximum.<sup>93</sup> *Secundò:* eum id posse

<sup>93</sup> Inserted in 1680: 'si vulgaria charitatis praecepta spectes; et praesertim si hominis

facere si velit, quando insignis inde redundatura est ad proximum utilitas, et heroïcae virtuti materia parata est. Posterius ex supradictis liquet, et quia nullos hac in re habemus adversarios, operosius id probare, taedium le|ctori adferret. Prius autem quia plurimos oppugnatores habet, lubet argumentis evidentissimis demonstratum dare.

*Homo non tenetur pro proximo mortem obire: neque pro patria*

*Primò*, auctoritates tamquam velites praemitto. Quicunque in sententiam à nobis contrariam abiere, hoc errore seducti fuere, quod existimarent hominem aliorum hominum gratia creatum esse, et ex prima ordinatione Dei eum reliquis debendi reum: ita ut homo sibi persuadere debeat (se potius bono proximi, quam suo creatum esse:)<sup>94</sup> cum autem supra invictis, ni fallor, argumentis contrarium asseruerimus, omnia adversariorum argumenta eâ ratione concidunt. *Secundò*, si pro aliis hominibus me nonnunquam morti exponere debeam, erit-ne pro amicis, aut pro inimicis? Si pro amicis: ergo eorum beneficia me ad hoc obstrinxerunt. Sed multi  
124 mallent potius omni officio carere, | quam sub tali onere illud accipere. *Deinde*, determinandum est adversariis, quot, et quam magna illa beneficia esse debeant, per quae ad tam duram sortem amicis amicus obstringitur. *Tertiò*, non ergo simplex humanitas, quae me jubet misereri proximi, illam nobis necessitatem imponet, quod hactenus tamen omnes docuere, qui illam sententiam defendunt, sed gratitudo, et acceptorum beneficiorum memoria. *Quartò*, ergo non tantum pro pluribus, et totius civitatis incolumitate mihi moriendum erit: sed etiam pro uno benefactore; quod nulli quod sciam hactenus statuere. *Quintò*, finge beneficiorum memoriam nos obligare ad facienda cum proximo paria: ergo pro eo tantum ultimum vitae spiritum impendere tenebor, qui cum extremo vitae suae  
125 periculo meam conservavit. *Sextò*, si tantum pro ami|cis vita impendenda: ergo iniquum fecerit, qui pro inimicis. At Christus pro inimicis se in mortem tradidit: et tale beneficium in Sacris extollitur supra omnia, et tamquam talis virtus proponitur, supra quam nullus amor aut charitas eniti potest: ergo pro benefactore mori tantùm necesse non est.

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officium aestimes ex commodis, quae ex virtutis studio in Societatem civilem sese diffundunt: quemadmodum methodus, qua ex *conservatione sui* tamquam lege fundamentali, leges naturales ducuntur, eo spectat'

<sup>94</sup> Replaced in 1680 by: 'in officiis charitatis proximi rationem nobis cariorum esse debere, quam cuique suam:'

Neque etiam simplex humanitas homini illam necessitatem imponit: quia et tunc pro hostibus id fieri deberet. Sed tum eâdem operâ et bella damnas, et legitimam sui defensionem, et omnes poenas capitales in republica: denique ea omnia, quaecunque jure necessitatis extremae eruditi communiter licita esse docent cum vitae proximi dispendio: neque  
 126 charitas incipiet à se ipso, sed à proximo, et tam pro uno quam pro pluribus mors oppetenda erit. Quid enim quaeso hic nume|rus faciet? An quia beneficium percipient plures? At supra indicavimus officium bene merendi de proximo ad tam duram conditionem non extendi, neque posse consistere cum defensione sui. An quia cum Dei voluntas sit, mundum plurimis incolis frequentem esse, convenit me potius || solum inte- 994  
 127 rere, quam meae conservationi nimium studendo, infinitam hominum multitudinem internecioni dare? Sed mihi ex natura non innotescit, quot mundi incolas esse velit Deus: cum non rarò ipse Deus innumerabilem quantitatem per morbos pestilenciales ad orcum mittat. Deinde cum Deus non tantum homines esse, sed etiam bene esse velit, et in eum finem tot res ad hominis oblectamentum creaverit, pari ratione probabo, cujusque  
 127 officium esse, ut reliquis quam optimè sit, sese suis pri|vare. Denique reliqua argumenta quae supra adduximus, huc quadrant. Ergo necesse non est, aliquem pro proximo, qualiscunque etiam casus sese offerre possit, morti se exponere: et ideo opus illud heroïcum inter charitatis opera communia, et quae legibus naturalibus<sup>95</sup> imperantur, recenseri non debet: aut ex communi<sup>96</sup> fundamento legum naturalium deduci istius facti aequitas. Tunc enim necessitas saepius incumberet homini, in proximi gratiam vitae usuram sibi auferre: quemadmodum communia charitatis opera necessaria sunt: et quando ea exserendi occasio sese offert, non potest homo sine praevaricatione iis abstinere. Sed est opus quod fit secundum Deum beneplacitum, (promovet enim)<sup>97</sup> egregiè finem, in quem Deus hominem creavit, scil. per virtutem exercitium ad immortalitatem contendere.

<sup>95</sup> Inserted in 1680: 'quatenus earum originem ducimus ex lege de *conservatione sui*,'

<sup>96</sup> Inserted in 1680: 'jam memorato'

<sup>97</sup> Replaced in 1680 by: 'et cujus aequitas ex praemii promissione manat: tunc enim promovet'

*Quid sit causa per se, quid causa per accidens in moralibus*

128 Hactenus occupati fuimus in ⟨probandis illis principiis, quae Clarissimus Hobbius aut praesupposuerat, aut obscurius, et perfunctoriè tantum, et parcè deliberat: atque jam esset locus et tempus transeundi ad ipsas leges naturales, quas admirandâ industriâ Hobbius recensuit:⟩<sup>98</sup> nisi pauca quaedam praemonere ex usu esse arbitraremur, quae lucem conferent dictis, et iis quae in posterum dicenda erunt.

Cum asserimus unicuique in statu primaevio jus competere in ⟨hoc universum:⟩<sup>99</sup> semper exceptos volumus homines ipsos, quod hic accurate notandum est. Deus enim hominem homini non subiecit; quemadmodum reliquas creaturas humano generi subdidit. Cum enim omnium hominum eadem sit conditio, et ex conditione humana, homini jus nascatur  
 129 in creaturas irracionales: | nullus alii servus nascitur, neque cuiquam jus competere potest in proximum, quod in reliquas creaturas: alioquin Deus simul voluisset hominem esse servum et dominum. Si dicas, Deus quidem naturâ hominem alterum alterius servum non fecit; permisit tamen ut servum faceret, et subigeret, quemadmodum feras subigit. Rectè quidem: licet mihi proximum subigere, imo occidere, si rebus meis conducatur: sicut quotidie magistratus facit: sed fit id plane alio jure, quam quo feras, et reliqua animantia subigo. Hominibus naturalem libertatem, imo ipsos tollimus, non quia directè in illos jus habemus; sed quia jus habemus nostris utendi, et defendendi: quorum usus, si mihi impediatur à proximo, licet impedimentum illud remove, eodem modo, quo  
 130 ille ad liberiores suorum usum mihi impedimentum ponit. Dum enim ego utor jure meo, nemini facio injuriam: itaque jure damno afficio proximum; non quia naturaliter ille mihi subjectus est: sed quia mihi fas est meis uti eaque defendere, et damnum ad proximum venit per causam per accidens in moralibus. Plane autem alio jure dominium in alias creaturas exerceo: eas enim non subigo, ut sine impedimento mihi usus rerum aliarum ab iis distinctarum liber sit; sed illa subjugatio directum domini usum denotat: et ideo non propter usum aliarum rerum mihi iis uti, aut in defensione juris in alias res, illas mihi vindicare tantum licet: sed

<sup>98</sup> Replaced in 1680 by: 'illustranda illa lege fundamentalis: quae est *conservatio sui*; ostendentes quomodo ille naturalis impetus et instinctus, et quem nemo a se avellere potest, nos ducat in cognitionem legum naturalium, quatenus administratae sunt conservationis nostri, nunc esset locus transeundi ad enumerationem legum naturalium,'

<sup>99</sup> Corrected in 1680 from: 'universum hoc'.

propter ipsum juris et dominii exercitium, || iis utor; et quotiescunque 995  
 lubet. Cum proximum affligere *primò* gratis non liceat: *secundò* non licet  
 131 nisi in ipsa defensione juris mei, et impedimen|tum removendo, quod  
 ipse mihi posuit. Planè eodem modo, quò jus habeo me privandi mem-  
 bro, quando conservationi aliorum membrorum impedimentum ponit. Et  
 impropria est locutio, si quis dicat ex illa necessitate homini jus aliquod  
 directum nasci in illud membrum: sed nascitur jus defendendi aliud mem-  
 brum, cum destructione v. gr. membri gangraenâ infecti: quemadmodum  
 mihi jus non nascitur in pecuniam proximi, si in conservanda mea, pro-  
 ximi pecunia pereat, per remotionem impedimenti, quod mihi creabat  
 periculum jacturae pecuniae meae: alioquin liceret mihi proximi pecu-  
 nia meum damnum resarcire, etiamsi impedimentum non (posuisset).<sup>100</sup>  
 Impedimenti enim constitutio, mihi jus non dat in bona proximi: cum  
 132 saepe is eodem jure impedimentum ponat, quo ego id removeo. | Sed sic  
 loquendum est: defensio juris mei non tollitur, etiamsi id fiat cum damno  
 proximi: et ideo in defensione vitae meae, licet mihi proximum interfici-  
 cere; non autem licet mihi, vitâ proximi meam redimere; aut ad alterius  
 imperium hominem interficere, ne ipse peream; non magis, quam pro-  
 ximi manum amputare extra moderamen legitimae defensionis, ut meam  
 salvam habere possim. Et liquet jam quomodo ex principiis nostris sequa-  
 tur, omnia in extremo casu necessitatis esse licita: ea scil. omnia, quae per  
 accidens sequuntur usum aut defensionem juris nostri.

His itaque tam clarè et distinctè expositis, lubet eorum omnium pau-  
 cis praxim et usum indicare. Itaque cuivis facile innotescet, quis ordo  
 observandus sit in usu creaturarum, in adhibitione mediorum ad con-  
 133 servationem juris, | et quae quibus subordinata sint; quae autem juxta se  
 invicem posita, et ejusdem dignitatis, ut alterum ad alterius conservatio-  
 nem aut consecutionem adhiberi non possit. His autem paucis axiomatis  
 rem totam comprehendi posse puto: *Quicquid suâ naturâ malum est, ejus*  
*prohibitio extremae necessitatis est: neque major aliqua necessitas, durante*  
*hoc mundi ordine et regimine evenire potest, cui prior cedere debeat.* Talia  
 sunt omnia illa peccata, quae legibus naturalibus prohibentur: nulla ita-  
 que incumbere potest necessitas, quare mihi liceat Deum abnegare, et  
 profiteri eum mundi creatorem non esse, mundum non regere, justitiam  
 non exercere, etc. neque etiam tam dura conditio ingruere potest, ut liceat  
 134 committere peccata contra dignitatem naturalem hominis, aut decorum  
 naturale. Pari ratione nunquam li|cebit homini vitae finem accelerare,

<sup>100</sup> Corrected in 1680 from: 'potuisset'.



non speratâ inde insigni aliquâ utilitate: cum enim haec omnia imperentur lege naturali, impossibile est ut eorum perpetratio culpâ vacet, propter rationes supra traditas.

*De Jure Magistratus*

Atque ex his jam liquet, quid juris Magistratui in hujusmodi rebus concedere debeamus: sed quia haec quaestio semper magnopere agitata fuit, et insignem usum in rebus humanis habet, (multaque super hac re ab Clariss. Hobbio, quae ab aliis aliò trahuntur, dicta sunt, et ut simul quousque his vestigiis praestantissimi istius authoris insistendum putem, declarem, operae pretium erit, diutius his immorari.)<sup>101</sup> Praemitto nos hic sermonem habituros de Magistratu jus Majestatis habente: neque refert sive penes  
 135 unam personam sit, sive penes unum collegium, quod in feren|dis legibus singularem personam repraesentat: sive etiam jus Majestatis divisum sit. Nam id dividi posse, et inter plures partiri crediderim, quia non prout divisum inter diversas personas, illud jus efficaciam suam exserit: sed quatenus in unanimi diversarum partium consensu, in uno collegio, societate, aut persona haerere creditur: et ubique multitudinis libertas, etiam in statu democratico, in quo populus viritim suffragia fert, tanta est, quantum eam esse voluit is, penes quem jus majestatis est, sive sit persona una, sive aliquod collegium ex pluribus compositum, sive potior multitudinis pars, quae minori, numero || suffragiorum vincens, legem imponit. Tali itaque personae, aut collegio, aut potiori multitudinis parti, ea  
 996 omnia in populum jura detrahimus, quae populus ei cecidisse necesse non  
 136 habuit, aut non potuit, quod eodem redit, sicut res ex sequentibus manifesta fiet. Rursus eidem personae aut collegio, aut multitudini, omnem illam potestatem tribuimus, quae priora jura non tollit. *Primum* ad priora referimus cultum naturalem, in primis suis principiis adhuc subsistentem, qui omnium hominum menti tam altè inscriptus est, ut nunquam tanta feritas hominum animos invadere possit, quin semper maximae partis plebis animum numinis reverentia obnoxium teneat. Nam si fortè pauci reperiantur, qui aut numen omne tollant, aut prudentiam et mundi gubernationem ei (detrahant,)<sup>102</sup> quae posterior sententia cum priori de impietatis gradu contendit, non impedit eorum paucitas, quin cultus naturalis in suis principiis consideratus, et non difficili conjectura investigandus,

<sup>101</sup> Replaced in 1680 by: 'operae pretium erit, aliquantulum his immorari.'

<sup>102</sup> Corrected in 1680 from: 'subtrahant'.

- 137 ma|neat lex fundamentalis regni. Non sit enim verisimile multitudinem hic voluisse cedere paucissimis, aut regem eligere voluisse, qui ea in re dissentiret: multo minus ei liberum esse voluisse cultum omnem tollere. Numerus autem articulorum fidei, quoad cultum naturalem, sic investigari poterit. Qui dicit Deum esse, eumque mundum regere providentia, is simul credat necesse est, Deum scire intimas hominum cogitationes, et corda scrutari, nihil eorum quae in terris fiunt ipsum fugere, iudicium eum aliquando exerciturum, atque adeo post hanc vitam, et gaudio atque dolori locum esse, cum in terra merita supplicia, aut praemia pro factis non irrogentur. Deum itaque susque deque non habere, quo pacto homines vitam instituant: supplicationes itaque Deo offerendas, quibus nobis
- 138 numen pro|pitium reddamus, et mala commerita declinemus: honore et reverentiâ Deum prosequendum: nihil agendum quod in ejus probrum aut contemptum cedere potest. Externo ergo cultu non carendum, quo coram hominibus debitam reverentiam ipsi testemur: in eo cultu externo nihil committendum, aut statuendum quod aut per se, aut ex consuetudine gentis, in qua ille cultus celebratur, aliquid obscoeni, indecori, etc. aut simile quippiam denotet. Atque hoc ordine multa alia dogmata coligi possent, quae cum primis principiis tam arctum nexum habent, et quorum cognitio, ut ita dicam, nobiscum nata est: de quibus pro beneplacito suo aliquid statuendi nunquam concessam existimo Principi libertatem.
- 139 De peccatis quae contra naturam fieri dicuntur, idem dicen|dum existimo. De iis autem peccatis quae cum proximi injuria committuntur, tale iudicium (ferendum)<sup>103</sup> est: quaecunque talia sunt, ut ad eorum perpetrationem, si impunitè dimittantur, aut ex lege et autoritate Magistratus talium peccatorum licentia promulgetur, necessariò sequatur societatis solutio, et reditus ad statum primaevum, eorum veniam indulgere, aut debitâ diligentîâ et studio iis non ire obviam Magistratus sine summo scelere non potest: et inde multitudini jus nascitur exuendi Principem absolutum imperio: nam cum tales calamitates evitandi studium multitudinem induxerit ad constituendum Principem: absurdum esset docere, populum ea in re Magistratui quidvis statuendi potentiam concessisse(: sed sub tanta pactione ad dignitatem regalem promotus est).<sup>104</sup> Quem-
- 140 ad|modum qui equum conducit ad iter, talem sibi dari praesumitur petisse, qui ad iter conficiendum non plane sit ineptus; licet istius conditionis nulla facta sit mentio. Qui enim mente sanus et integer creditur pactum

<sup>103</sup> Corrected in 1680 from: 'referendum'.

<sup>104</sup> Deleted in 1680.

iniisse cum alio, ille proculdubio id ex pactione sibi assequendum proposuit, quod contractui causam et occasionem dedit. Sic populus regem constituens, ejusque regimini sese subjiciens, non potuit regi tam absolutum concessisse imperium, ut ex jure electionis ad regiam dignitatem si||bi licere putet ea, quae statum reipublicae illicò dissolvent. Sed non est 997 metuendum eo insaniae unquam deventurum regem, ut talia imperare velit, aut edicto publico talium criminum impunitatem polliceri: cum ea manifestam status subversionem post se trahant: neque legitur in ullis 141 annalibus, tale quippiam ab | ullo rege factitatum. Et ideo rectè assertitur, in quavis societate nulli imperio obnoxia jus majestatis esse: in jure autem majestatis, summum jus contineri: eumque non teneri rationem suorum factorum ulli praeter Deum reddere: et utcunque imperium exerceat, et duris legibus subditos premat, iis tamen inde injuriam non fieri: non magis quam servo injustè imperat, qui sub dura servitute eum habet: aut pater, cum injuria filii paternâ suâ potestate abutitur, si filium ad servorum conditionem deprimat; licet haec sine impietate saepe non fiant: sed de his postea. Quae autem, si impunè permittantur, aut ab ipso rege fiant, statum reipublicae illicò subvertunt, sunt hujusmodi. Nolle jus dicere populo, neque per se, neque per magistratum subalternum: sed cuivis 142 quidvis agendi licentiam et impunitatem | concedere; atque hinc bonorum privatorum direptionis, adulteriorum, stuprorum, caedium, injuriarum veniam indulgere: et quaecunque sunt ejusmodi, ut ad ea evitanda multitudo in unam societatem et unum imperium conspiraverit. Nam ut homines supra recensita incommoda a se amoliri possent, societate inîtâ, et imperio alicui collato, id conjunctâ vi effectum dare voluerunt, cui singuli impares erant.

Quantum autem ad ipsam religionem Christianam, de ea parum aliter disserendum est: nam videndum qualis illa religio fuerit, cum imperium formaretur: aut saltem in quales articulos omnes subditi consensere, cum religio Christiana genti aut populo annuntiaretur. In illis articulis, sive veris sive falsis, populo aut principi nihil immutare licet; ita 143 ut legibus poena munitis, popu|lum in fidem aliquorum articulorum adigere possint, *qui* ab avita religione recedunt in fundamentalibus: neque populi maxima pars, novam aliquam religionem amplectens, principem aut reliquam multitudinem cogere potest aut debet, ad illius cultus publicam professionem concedendam, quae nupera ac recens civium animos afflavit: cum novum de religione formatum à subditis judicium, reliquis fraudi esse non debeat. Non magis quam si maxima multitudinis pars, praesenti regimine minus laeta, novam regiminis formam, reliquâ multitudine aut rege non consentiente, introducere jure potest: nam semel

regi collatum imperium, nulli amplius obnoxium est; nisi regi. At cum populus sub uno imperio coaluit, mutua fuit pactio inita, nihil amplius  
 144 agendi privato iudicio. Neque refert, | quantus ille sit numerus qui novam regiminis formam affectat, aut quales illae personae: quia in fundando et stabiliendo imperio omnes erant ejusdem ordinis, et loci, nemo alteri subjectus: neque multitudo paucis legem praescribere jure poterat: ideo etiam in fundato jam imperio, aliter singulorum jura consideranda non sunt in dissolvendo imperio, quam erant in constituendo. Si quis itaque ad novam religionem et sacra transeat, licet ea verissima, non abutitur rex, aut id collegium penes quod jus majestatis est, imperio suo, si talem cultum prohibeat, et poenis ejus professores coërceat, si judicet ita expedire incolumitati regni sui.<sup>105</sup> Eadem enim hic ratio militat, quae in cultu naturali regi aut subditis novandi libertatem sustulit. Deinde cum cuivis palam  
 145 sit, rem iniquissimam esse, si quis | putet proximum à concepta sententia desistere debere, quia multitudine suffragiorum vincitur: damnanda enim esset Reformatorum religio, qui à pontificiis multitudine vincuntur. Nemini etiam dubium || esse potest, ex quorundam hominum nova sententia, regem, aut reliquam multitudinem, desistere non debere à priori regiminis formâ, aut pristina fide. 998

Quae autem à prioribus naturâ recedunt, (et regimini magistratus subjacent,)<sup>106</sup> duplicis sunt generis: vel quaedam manifestam tyrannidem prae se ferunt, alia hâc notâ carent, et cum aequitate consistere possunt; licet non rarò ab ea recedant. Priorum respectu subditis iudicium adhuc liberum relictum est, ut sine violatione majestatis imperii, et peccati crimine, de iis dicere liceat ea impiè, tyrannicè, et contra boni regis officium  
 146 fieri: neque illud iudicium apud se premere necesse est: sed per Magistratum rege inferiorem, ipsum regem de officio commonefacere potest, querelas ea de re apud ipsum instituere, suppliciter orare, obtestari, ne imperio abuti velit. Quod si frustra omnibus tentatis, rex libidini suae indulgens, se à tyrannico imperio non temperet, à subditis in ordinem cogi potest vi et armis: et si ad aequas condiciones, et pactiones se demittere nolit, imperio et potestate regem extorrem facere possunt.<sup>107</sup> Quae autem apertam tyrannidem spirant, et eam undique produnt, hujusmodi

<sup>105</sup> Inserted in 1680: 'et Rex persuasus sit ea sacra quae colit, legitima, et ex Dei praescripto instituta esse'

<sup>106</sup> Replaced in 1680 by: 'et ita regimini magistratus subjecta sunt, ut eorum administratio Regi absolute permissa non sit: et ita, atque in tantum Regis absoluta potestas sit imminuta,'

<sup>107</sup> Inserted in 1680: 'quia talis Rex pactis constrictus est; et iis tenetur aequae ac cives'

147 fermè sunt: si princeps populi opes tributis et vectigalibus exhaustiat, nulla  
 urgente necessitate, in multorum vitam saeviat injustè: si matronarum  
 pudicitiam violet: si virgines vitiet: si civitatum jura, et privilegia citra  
 rationem ullam<sup>108</sup> tollat: si bonos et | probatos dignitatibus prohibeat,  
 aut collatis exuat: si perditos, corruptos, et omni vitiorum genere famo-  
 sos, amplissimis muneribus et divitiis augeat. Haec ubi palam sunt, ut  
 nemo eorum ignarus esse possit, tunc subditi nihil praeter jus et aequum  
 faciunt, si judicium suum de regis factis interponant, et quavis ratione  
 regis licentiam coërcere studeant. Loquimur autem de rege aut magis-  
 tratu, qui libero multitudinis arbitrio ad dignitatem regiam provectus  
 est, et eidem multitudini, propagatam etiam ad ultimos nepotes regiam  
 dignitatem acceptam ferre debet: aut qui quondam armis aut alio jure  
 regnum quidem acquisivit, sed postea à subditis coactus est, sub condi-  
 148 tione et certis legibus regnum administrare. De aliis regibus, qui armis  
 sibi regnum pararunt, aut qui jure paterno in posteros imperium | exer-  
 cent, rectè asseritur eos nemini obnoxii regere, et iis licere quicquid lubet:  
 neque subditis à tali principe ulla potest fieri injuria, adeoque nulla aequi-  
 tas subesse potest rebellionis talium subditorum; non magis quam filio  
 jus est, defugiendi auctoritatem paternam, aut servo fas propter duram  
 servitutem domino necem intentare. Talibus enim regibus omne id lar-  
 giendum est, quod subditis et debellatis populis necesse non habuerint  
 cedere. At nulli dubium est, quin imperium tale absolutissimum, quale  
 cernitur in potestate paterna, aut herili, consistere possit cum jure regni.  
 Neque quicquam impedit, si talis Rex in inauguratione, aut aliis in casi-  
 bus, subditis ex clementia et benignitate<sup>109</sup> aliquid promittat, quo minus  
 imperium ejus supremum et absolutissimum sit dicendum: cum talis nun-  
 149 quam | personam contrahentis sustineat: sed princeps, aut talibus verbis  
 jubet, suos subditos omnia aequa, et bona à se expectare: aut ita largitur  
 tantum, ut dona sua reposcere possit, quando lubet, et judicat id sibi non  
 amplius expedire: quemadmodum ducem aliquem ad honores extollens,  
 postea ad gradum privatorum deprimat, si id rebus suis conducere reputet.  
 Idem dixerim de privilegiis, immunitatibus, familiis, aut urbibus conces-  
 sis: quocunque modo, sive meritis, sive pecunia, regis gratiam sibi com-  
 pararint illi, quos beneficium attingit):<sup>110</sup> nam tunc rex praemiis, et polli-  
 citationibus subditorum animos inflamat || ad insigne aliquod facinus, 999

<sup>108</sup> Inserted in 1680: 'aut citra summam necessitatem'

<sup>109</sup> Inserted in 1680: 'non ex pacto'

<sup>110</sup> Replaced in 1680 by: 'ex liberalitate'

ad quod agendum, imperio eos cogere poterat: (quod imperium certè sibi sublatum non putat, si tales)<sup>111</sup> immunitates familiis, aut civitatibus largiatur. Nam nae ille | parum suarum rerum gnarus rex esset, qui tam carè redimeret quorundam civium officia, ad quae jam ante tenebantur, et ad quae cogere potuisset, si libido adfuisset. Quis pater aut dominus, filio aut servo aliquas libertates propter (fidelem)<sup>112</sup> praestitam operam concedens, existimet se eosdem ad abjecta officia adhibere non posse, si ita ex re suà esse aestimaverit? Imo in imperiis minus absolutis id locum non habet: nam si Magistratus supremus qualiscunque, mercede milites et duces sibi subditos ad bellum parans, stipendia tamen dicto tempore non solvat, putat se non iniquè agere, si tumultuantes et signa sua deserentes milites supplicii in gyrum obedientiae cogat: multo magis sine metu infamiae concessas immunitates revocat. Magistratum autem in puniendis militibus iniquè non agere liquet, | quia in casu necessitatis operà ducis et militum<sup>113</sup> sine mercedis pollicitatione uti poterant: posterior autem contractus priorem non subvertit. Debent itaque tunc duces et milites cogitare summam necessitatem adesse, quare Magistratus promissa stipendia solvere non potest: haec si applicentur privilegiis et immunitatibus, res in manifesto erit.

(Si dicat aliquis, quid conducit subditis spe immunitatum et privilegiorum ultro sese offerre ad quaedam praestanda, quae communi subditorum lege facere non tenebantur: si principi liceat, quando lubet, à promissis resilire, et illudere expectationem civium? Imo plurimum inde utilitatis ad cives redit: nam non est verisimile regem vel ferocissimum, levi de causa fidem suam non servaturum, cum sciat subditos non facile bis falli: et sum|mo atquè extremo jure semper uti, facere regnum aevi brevis: et frustra à subditis prompta officia exspectari, qui proprio nisu ad ea sese non ferunt. Et haec est causa quare reges absolutissimi, in sua inau-

<sup>111</sup> Replaced in 1680 by: 'sed summo illo jure uti non vult, quia id suis rebus non conducit; et quia putat stabilius suum imperium fore, si non metu sed beneficiis subditorum animos inflammet ad subeunda pericula pro communi salute. Et ideo Rex qui rerum suarum satagit, non nisi in casu extremae necessitatis; et cujus ratio omnibus subditis constare potest, concessas immunitates populo eripiet: ne cum iterum intentissimo populi studio opus habeat, frustra ejus opem extra ordinem imploret: et ideo populus non detractabit Principi plus quam vulgarem operam praestare praemio et immunitatibus allectus, quamvis in Regis potestate sit omnes subditos et civitates eodem jure habere: quia Rex, qui sibi consulit, non facile utetur summo illo jure, et spem civium eludens, eos frustra habebit. Manet itaque (ut ad institutum revertar) hoc fixum et inconcussum, Regis absoluti jus non imminui, etiamsi promissis se populo obstringat; et'

<sup>112</sup> Corrected in 1680 from: 'fideles'.

<sup>113</sup> Inserted in 1680: '(praesertim eorum qui suae sunt ditionis)'

guratione omnia magnifica populo promittant: dum enim civium benevolentiam habent, facile et tutum sibi polliceri possunt imperium: si autem eo careant, fluxa et instabilia fore omnia praevident.)<sup>114</sup>

Et haec quidem dicta sufficiant de Rege absolutissimo(.)<sup>115</sup> multi tamen existimant idem juris competere regibus libero populi suffragio ad regnum electis, et promotis: existimant enim cum regni naturâ consistere non posse, subalterno Magistratui, aut populo, post collatam regnandi potentiam personae vel collegio, concedi jus judicandi de Principis factis. Sed mihi planè aliter stat sen|tentia. Quare enim populus concessisset regi, quod ei largiri necesse non fuit. Quae quaeso fuit necessitas de iis judicandi sibi licentiam interdiceret, quae vel ignarissimus quisque judicare potest tendere tantum posse ad populi calamitatem, et miseriae augendas? Scio quosdam existimare, à subditis certo sciri non posse, an talia crimina à rege non fiant, quia existimat se aliter dignitatem et imperium tueri non posse: et cum multa sint regni arcana, quae populum latent, quaeque primâ fronte iniqua videntur, postea tamen re intellectâ ab ea calumnia liberantur, populi officium esse arbitrantur adeo sacram regis personam habere, ut omne iudicium de regis iniquitate ex animo expectorare debeant. Sed eodem jure non liceret privato judicare de proximi vitiis, eumque ad sanam mentem reducere monitis, atque | exhortationibus: si scil. dilapidator bonorum suorum sit, si potator: quia scil. nos latet an aliqua necessitas summa non in||cumbat ea agendi, quae in tali casu excusationem merentur.<sup>116</sup> 1000

Pergimus jam ad alia, quae à Magistratu fieri, aut imperari solent, et sunt ejus generis, ut licet nonnunquam evenire possit cum iniquitate ea conjuncta esse, attamen abstrusiora sunt, quam ut cuiusvis iudicio ea pateant. De iis itaque quae hujusmodi sunt, duplex tantum officium privatis reliquum est: vel ad investigationem rei sitne aequa nec ne non procedere; sed iudicio charitatis aestimare ea justè à Magistratu imperari. Sic à privato non requiritur investigare in causam belli sitne ea justa an secus: neque necesse est carnificem instruere de justitia et aequitate supplicii

<sup>114</sup> Deleted in 1680.

<sup>115</sup> Replaced in 1680 by: ‘; et qui tribuendo civibus et subditis multas immunitates et privilegia, non descendit ad pactionem cum subditis: nam quando supremus magistratus ea subditis largitur, quae majestatem et jus supremum minuunt, supremus et absolutus esse desinit.’

<sup>116</sup> Inserted in 1680: ‘Sed summa omnium responsionum est: ex forma Regiminis patere, noluisse populum omnia ad salutem Societatis spectantia uni Regis arbitrio permittere, sed illorum partem ad curam et administrationem suam revocasse: ita ut populi intersit Regis majestatem eo usque non crescere, ut supra leges esse putetur.’

155 quo reus afficitur, aut apparitorem de | aequitate sententiae in civem latae: neque reliquos ministros de singulorum factorum aequitate cognoscere: quemadmodum in religione Christiana multa implicite creduntur. Vel si subditus ad cognitionem de facti aut legis justitia atque injustitia animum adjungit: vel si evitare non potest; quin judicio suo factum approbet, vel detestetur: debet id judicium tantum esse theoreticum, et in praxim non deduci.<sup>117</sup> neque obedientiam Magistratui denegare: aut aliis persuadere ne obediant.

At, inquires, ergo faciet subditus aliquid contra conscientiam; quod tamen ubique improbatur. Sed negatur eum semper contra conscientiam suam agere, qui eorum minister est, quae iniquè fieri putat: nequè peccato alterius inquinatur, qui ad ejus adimpletionem aliquid confert. Servus |  
 156 qui ad imperium libidinantis domini argentum erogat, quod scit postea pessimè perituum, peccati immunis est. Quoties in consessu, Magistratus deliberat de re aliqua, de qua decretoriè aliquid fieri statuit, prout maximae suffragiorum parti placuerit: reliqui qui opinione à caeteris diversi fuere, tenentur suâ ope, industriâ, authoritate etiam rem effectam dare, quam privato judicio iniquam esse credunt. Artifices qui aliis elocarunt operam suam, in omnibus illi parere debent, cui laborem suum addixere; licet sciant multa in damnum imperantis eventura. Apostolus Paulus cum hortatur fideles, ut unum idemque inter se sentire velint, de se non multum praesumere, sese supra fratres judicio non efferre: quid aliud imperat, quam in rebus, de quibus incidit controversia, sese commodos praebere,  
 157 et | aliorum judicio aliquid concedere; atque tacito consensu iis opinionibus, et doctrinis authoritatem conciliare, à quibus tamen privato judicio dissentiebant? Alioquin Apostolus ad id fideles exhortatus esset, quod praestare ipsis erat impossibile: nam nulli hoc datum est, ut sententiam mutare possit, quoties lubet.

Deinde si cuivis privato, post translatum jus regnandi, liceat adhuc stare suo judicio: ergo judicium suum Magistratus judicio non subjecit. Si dicas, subjecit in rebus, quae spectant reipublicae regimen, et arcana regni: sed quid si privatus tantopere valeret prudentiâ, ut etiam in illa arcana penetrare possit, atque ita judicet multa iniquè à Magistratu fieri, an non tenebitur ad obedientiam? Et an officium ejus erit privatos, pro  
 158 charitate, quam iis debet, monere ne in re iniqua Magistratui operam suam commodare velint? Revera haec omnia ex illorum hominum sententia dicenda erunt: et dum in specie regimen Magistratui mandatum

<sup>117</sup> Inserted in 1680: '(ne periculosa imitatio exempli prodatur)'



videtur, reverâ interim penes populum erit, et quidem apud eos, qui plus apud plebem gratiâ valent, quales illi esse solent, qui in spiritualibus plebi subministrant. Si dicant nihil incommodi inde redire ad Magistratum, quia plebi non licet resistere; sed exhortantur tantum ad patientiam: sed quidsi Magistratus indigeat operâ subditorum; quidsi eorum pecunia, v. gr. in parando exercitu ad bellum, quod à plebe contra fas et aequum suscipi existimatur: quomodo talis opinio subditorum mentibus concepta, non insigniter labefactabit potentiam Magistratus? Et in talibus certè non velle obedire, est resistere: jubet v. gr. Magistratus populum arma | sumere; hortatur alius, cui minus bellum probatur, ab armis abstinendum esse, et sine conscientiae laesione ad ea properari non posse, certè si is gratiâ apud plebem valeat, plus resistit Magistratui, quam si insignem armatam civium manum contra rempublicam in aciem producat. Itaque mihi videtur nihil iniquius excogitari posse; quam illorum hominum petulantiam, qui si quid à Magistratu committatur, quod suo iudicio minus probatur, statim eum probris incessunt, et omni occasione eorum facta traducunt: quod nec privato licere arbitror, etiamsi gesta Magistratus cum manifestâ iniquitate juncta sunt: fieri enim non potest, quin ea ratione sacra regum, et Magistratus majestas vilescat apud plebem. Quomodo enim multitudo illam personam, aut illud collegium in aestimatio|ne habebit, debitaque prosequetur benevolentia, quod quavis occasione tamquam iniquissimum traducitur, ut minus officio suo satisfaciens? Nunquam enim homo ita imperare sibi poterit, ut talibus propitium habeat animum, qui turpia committunt. Neque ego crediderim tunc tantum majestatem imperantium imminui, cum probris et calumniis petuntur; sed etiam cum peccati tantum arguuntur coram multis, vel si in secreto id cum submissione non fiat: planè quemadmodum sacra persona patris temeratur, si filius ejus facta, vel publicè censurâ notet, vel privatim cum asperitate increpet, aut risu et contemptu ea excipiat.

Secundum axioma esto: *Quicquid suâ naturâ malum est, ita ut nunquam bonum fieri possit: illud per accidens sequi potest ad usum aut defensionem mei juris extra pec|cati labem; neque ideo teneor temperare ab usu juris mei.* Per accidens autem aliquod peccatum sequi dicitur ad alium actum liberum, cum ad usum rei, ad quam jus habeo, sequitur aliquis effectus, ad quem producendum, extra ullum usum rei, jus non haberem. Causa autem per se in moralibus est, quicquid causalitate vera, et reali fluente in effectum, ad aliquid producendum aptum est,<sup>118</sup> extra usum rei, ad quam

<sup>118</sup> Inserted in 1680: 'etiam'

jus habemus. Quicunque autem posteriori modo peccati actum committit, is semper peccat; qui autem priori modo aliquid ⟨perpetrat,⟩<sup>119</sup> quod, si extra tales circumstantias commissum foret, gravissimum peccatum esset, ille citra peccati labem talem effectum evenire sinit. Rem exemplis illustrabimus. ⟨Qui voluit aliquem obtruncare, in irritum tamen excidit  
 162 ejus conatus, ille homicidii non est reus, | quia nondum adfuit causa vera et realis influens in effectum:⟩<sup>120</sup> Qui ad supplicium capitale ducitur, licet incedat, ad locum supplicii sese conferat, scalas conscendat, aut genua flectat, si capite mulctandus sit, suae necis causa non existit, quia nihil eorum quae agit producit effectum illum, qui mortem post se trahit: sic qui saepius potando, vitam suam brevioris aevi reddunt, homicidae sui ipsorum dicendi non sunt, neque illi qui multis laboribus vitam atterunt; aut tales artes exercent, quae vires et facultates vitales admodum labe-  
 factant: neque qui in vitae periculum sese conjicit: quia illi omnes nihil eorum agunt, quae mortem immediatè post se trahunt: sed ab alterius hominis voluntate reliqui effectus fluunt et dependent: et nullus actus ab  
 163 iis committitur, qui adhuc alium non requirat, per liberam volun|tatem<sup>121</sup> eliciendum, qui mortis causa futurus est: et tunc tantum illud axioma, quod est causa causae, est etiam causa effecti, locum habet in moralibus.

Rursus cui crimen intentatur, is tenetur (loquor de casu in quo vitae suae desertor || jure esse non potest) ea omnia producere quae suam 1002 innocentiam arguere possunt, quia si ea supprimeret, ejus silentium esset causa vera moralis et per se, quare judex mortis sententiam pronunciar-  
 ret: et illa sententia lata, causa mortis. Moraliter enim haec ita connexa sunt, ut primum silentium per causalitatem moralem suam efficaciam etiam extendat ad mortem. Sic neque licet gladium in viscera adigere, neque venenum potare, quia veneni assumptio talem post se trahit effectum, qui causalitate ⟨vera⟩<sup>122</sup> mortem producturus est, et quem effectum  
 164 novo volunta|tis actu impedire non possum: sic neque licebit de scalis sese praecipitem dare, posito scil. interfectionem sui ipsius illicitam esse: neque denique quicquam agere quod post se trahet vel mortem imme-  
 diatè, vel talem effectum, qui necessariò mortem<sup>123</sup> inferet. Neque hic cau-  
 sae moralis naturam immutat, si fortè primò mortem tuam non inten-

<sup>119</sup> Corrected in 1680 from: 'committit'.

<sup>120</sup> Deleted in 1680.

<sup>121</sup> Inserted in 1680: '(quod notari velim)'

<sup>122</sup> Corrected in 1680 from: 'moralis'.

<sup>123</sup> Inserted in 1680: '(nullo novo voluntatis actu interveniente)'

deris, sed hostis; modo constiterit tuum interitum à proximi nece separari non potuisse: cum illa intentio <causae moralis><sup>124</sup> naturam non tollat.

Et cum ad tuendam sanitatem, et corporis integritatem jus habeam, quicquid sequetur actionem suâ naturâ subordinatam isti conservationi, et<sup>125</sup> per causam veram moralem efficacem producendi effectum conservationi appositum, illud citra peccati labem sequi ad meam actionem permitto. Quare licebit medicata potio|ne uti ad recuperandam collapsam  
165 sanitatem, licet sciam secuturam alienationem mentis et ebrietatem: et licebit admittere clysteris infusionem; licet constet eam secuturam seminis effusionem. Sic licebit <aliquando partum per excidium exprimere, si ad remedii usum sequatur per accidens talis abortus: quemadmodum et><sup>126</sup> proximum innocentem occidere, si ad usum juris mei, ejus mors sequatur per accidens in moralibus: quod addo: nam licet causâ physicâ per se mors proximi existat; ideo in moralibus homicida dicendus non est, qui causae per accidens rationem sustinuit.

*Habitus morales mali jure puniri non possunt*

Ex supra positis axiomatis pariter liquet, quare habitus morales, quos vulgò malos vocamus, revera peccata non sint, nec poena digni, si in  
166 se considerantur: quia nulla causalitate morali effectum malum moraliter attingunt; quamdiu scil. manet dispositio aut habitus, et si virtuti impedimentum ponat, id facit per actum, quem homo voluntate elicit, quae voluntas tunc est causa vitii moralis: voluntatis autem causam aliam moralem superiorem dare velle, est voluntatis naturam tollere, et actum elicitum, actum imperatum facere, et habitui actualem operandi efficaciam attribuere sine operatione: operatur enim tantum per voluntatem, et ante elicitum actum voluntatis, nihil morale operari poterat: cum actus moralitas à voluntate proficiscatur<; imo ante voluntatis actum, est tantum res Physica, sive modus animae Physicus>.<sup>127</sup> Quando autem anima operatur per voluntatem malè, tunc desinit actu esse habitus. Ut planè appareat illam efficaciam, qua habitus mali disponunt animam ad male  
167 agen|dum, longe diversam esse ab ea, qua v. gr. verba obscoena et sermo

<sup>124</sup> Corrected in 1680 from: 'moralis causae'.

<sup>125</sup> Inserted in 1680: 'ad quam actionem ex lege *conservationis sui* jus habeo, et quae actio'

<sup>126</sup> Deleted in 1680.

<sup>127</sup> Deleted in 1680.

impudicus animis audientium instillant libidinem: cum ille sermo impudicus operetur ante voluntatem ejus, qui eum audit, licet effectus non semper sequatur: sicut ictus in incude malleo factus, motus vocatur; licet incudem in partes non comminuat.

Quod autem malos habitus soleamus odisse, atque eos detestari, et malos à republica quam longissimè arcere; id non est propter habitus in se consideratos; sed *primo*, propter actus malos, quibus homo illum habitum comparavit: et ideo infirmitates tam animae quam corporis odisse soleamus in iis, qui eas voluntariè contraxerunt: quae si ultrò homini adsunt, nos in commiserationem ducunt. *Secundo*, propter actus, in quos homines malis illis habitibus imbuti solent esse proni: ita ut me|rito cum talibus nobis commercium esse nolimus, à quibus tantum nobis imminet periculi, vel qui, quavis occasione datâ, ea commissuri sunt, quae animo ad||vorsa sunt. Sed inde argumentum novum deducimus, habitus malos, 1003 prout denotant dispositionem in anima, et absque actibus suis consideratos, malos malitia morali non esse, hoc est poenâ dignos. Quicquid enim solemus metuere, odisse, prohibere ne fiat, et modis omnibus impedire ne erumpat; illud malum nondum est: sed malum fit, nisi impetum ejus sistamus. Qui enim metuit sibi à malo, ille cum illo malo nondum confligit, et si nondum confligit, nondum noxam infert: si noxam non infert, mali propriè dicti naturam nondum induit; licet ita vocitetur propter naturalem ordinem, et dispositionem, quam habet ad nocendum.

169 Attamen, inquires, illa mala dispositio in anima est morbus animae, quemadmodum intemperies aut mala conformatio morbus est corporis: licet saepe actualiter functiones naturales hominis non impediat, quia membro illo ad tempus non utitur: attamen si uti velit, necessariò actiones imminutas aut depravatas exseret.

Respondeo. Certe negari non potest malos habitus morales eâ ratione morbos esse animae, et malum quippiam quod inesse non debebat: sed strictissimè loquendo malum morale non sunt, quod poena vindicari potest: non magis quam quilibet alius morbus voluntate contractus. Quam absurdum esset, illi poenam intendere, qui crus fractum habet, cum jam propter liberum actum voluntatis, quo illud malum sibi creavit, poenas 170 dedit! Solemus tamen di|cere istum hominem poenâ dignum esse, qui crus laesum habet: quia voluntariè illam impotentiam sibi conciliavit: sed eo loquendi modo indicamus hominem non poenâ dignum esse, quia crus laesum habet; sed quia causa laesionis extitit. Et sic pari ratione dicimus habitus malos, quia voluntariè contracti sunt: et in ordine ad actum peccaminosum, quo contracti sunt, malos eos vocamus. Est itaque primò homo propter habitus malos poenâ dignus; quia voluntariè contracti sunt.

Secundò, meritò propter eos habitus excluditur à gratia Dei, sicut facinorosus propter malos suos habitus è republica ejicitur: et illud odium, istas pravas dispositiones, prout sunt habitus, pro objecto habet: cum ordine tamen ad actus, quos apti nati sunt producere. Et his ita expositis, non  
 171 video quid in ea sententia | culpandum sit, quae docet habitus malos in se consideratos poenâ dignos, et ideo propriè loquendo malum morale, non esse censendos. Quemadmodum neque strictissimè loquendo boni habitus et dispositiones, quibus anima ornatur, virtutis nomine non possunt venire; sed actus illi, quibus isti habitus acquiruntur, istud nomen merentur.

At, inquires, vult Deus nos istis habitibus bonis imbutos esse, et malis vacuos: ergo illis carere, his autem abundare peccatum est. Respondemus, non quia bonis destituti sumus, malis autem imbuti, ideo praevicariatores in Dei legem sumus; sed quia causa sumus quare iis qualitatibus induti non simus, quas in nobis adesse vult. Quod inde liquet, quia Deus alioquin à nobis postulare, quod impossibile homini est praestare:  
 172 loquor de impossibilitate | physica. Longè enim vires hominis superat, statim animam bonis habitibus decorare, et malis exonerare: non minus quam est impossibile in physicis homini manu coelum tangere, aut mundum loco movere: habitus enim boni non nisi crebris actionibus acquiruntur, et pravi contrariis actionibus saepius repetitis expelluntur. Tale autem impossibile per legem ab homine efflagitare, sapientis gubernatoris non est: quia id petitur ab homine, quod manifestam contradictionem implicat, qualem omne impossibile physicum implicare solet. Distinguere autem oportet inter id, quod impossibile vocatur modo physico, et id, quod tale nomen sortitur in moralibus: posterius nullum impedimentum ponit superans agendi || efficaciam voluntatis, sed tota impossibilitas ab  
 173 ipsa voluntate oritur: prius ponit | obstaculum, quod ipsam voluntatem constringit, ne in actum erumpat. Posteriori modo vocamus impossibile, v. gr. omnes homines velle conspirare in unam mentem, ut aliquod mendacium in vulgus gratis spargant, aut omnes cives ejusdem civitatis, velle sibi violentas manus inferre. Eo fundamento innixi dicimus impossibile esse, quin verum sit fuisse Julium Caesarem, gentem Judaicam, hodie bellum geri inter regem Galliarum et Hispaniarum, Christum venisse in mundum, Apostolos Evangelium gentibus annuntiasse: denique hâc infallibili certitudine innituntur (omnia)<sup>128</sup> argumenta ex ratione deprompta, quibus persuadere studemus incredulis auctoritatem Scripturae Sacrae: in

<sup>128</sup> Replaced in 1680 by: 'multa'

his omnibus nemo talem contradictionem reperit, qualem esse dicimus,  
 174 si quis dicat bis ter esse octo: attamen moraliter im|possibile est quin illa  
 (sint),<sup>129</sup> et certissimae sint veritatis: nam si probabilitatem tantum in se  
 continerent, nullus teneretur iis firmam, et certam fidem adhibere: at quis  
 dixerit hominum singulorum officium non esse, argumentis quibus pro-  
 bamus Scripturae auctoritatem, fidem praebere?

Sic asserimus legislatorem non posse praescribere suis legem, quam  
 praestare implicat contradictionem physicam: potest autem imperare  
 obedientiam de iis, quae impossibilitatem moralem continent: quia  
 voluntatis libertati nihil contrarium imperat: tota enim difficultas parendi  
 ex ipsa voluntate oritur. (Sicut itaque)<sup>130</sup> nulli impossibile est mendacium  
 gratis fingere: (si nulli),<sup>131</sup> ergo toti multitudini impossibile non est: cer-  
 tum tamen est totam multitudinem id non facturam. Pari ratione cuius  
 175 liberum est veritatem dicere, er|go et toti civium multitudini: certissimum  
 tamen est nunquam rempublicam tam beatam futuram, ut singuli cives à  
 mendacio sese sint temperaturi: attamen illa impossibilitas singulorum  
 libertatem non tollit, et à peccato non excusat. Sic legis adimpletionem  
 dicimus esse impossibilem, nec tamen illam impossibilitatem volunta-  
 tis libertatem (imminutum ire):<sup>132</sup> tam enim homini singulari impossibile  
 est in omnibus Dei voluntati obsequi, quam multitudinem ab omni men-  
 dacio puram esse: tam (autem homo)<sup>133</sup> à singulis actibus peccaminosis  
 sibi cavere potest, quam cives singuli à mendacio sese intemeratos con-  
 servare: quod tamen nunquam eventurum est. Quicumque autem aliam  
 impossibilitatem imaginantur in adimptione legis, etiam post lapsum,  
 176 et quae impossibilitatem physicam inferat: illi per proxi|mam consequen-  
 tiam totum Dei cultum subvertunt. Quare etiam parum appositè nonnulli  
 utuntur illâ similitudine de debitore, qui solvendo non est, quem tamen  
 creditor, jure meritoque ad debiti solutionem urget. Nam dum creditor sibi  
 satisfieri postulat, debitum non auget: neque exigendo à debitore pecu-  
 niam concreditam, sustinet creditor personam rectoris, quae per leges  
 ad muneris expletionem subditum hortatur et dirigit: quae omnia locum  
 habent in legibus, quae jure praescribuntur, etiamsi totalem obedien-  
 tiam iis praestare non possit subditus. At quemadmodum creditor jure

<sup>129</sup> Corrected in 1680 from: 'sunt'.

<sup>130</sup> Corrected in 1680 from: 'Sicut'.

<sup>131</sup> Deleted in 1680.

<sup>132</sup> Replaced in 1680 by: 'tollere statuimus'.

<sup>133</sup> Corrected in 1680 from: 'autem'.

exprobare potest debitori, se per illum damnum pati, ita jure Deus homini  
 177 exprobat habitus malos: non potest tamen jure imperare, ut iis nos sta-  
 tim exuamus: (quemadmodum)<sup>134</sup> non possum jure ab infirmo et | aegro  
 petere ut illico integram sanitatem sibi reparet: possum tamen ei expro-  
 bare suam aegritudinem, si ejus causa extiterit, et efflagitare ab eo illa  
 munera et officia, quae sanitati recuperandae apposita sunt, et punire si  
 ea in re officium suum deserat. His diutius immorati (sumus,)<sup>135</sup> ut senten-  
 tiam ab errore et calumnia quorundam liberaremus: quasi || aliquid conti- 1005  
 neret, quod professioni Ecclesiarum reformatarum minus (quadraret.)<sup>136</sup>

*Quomodo investigentur gradus peccatorum*

Tertium axioma esto: *Ille peccata caeteris graviora esse, quae nos maxime à  
 fine remouent, et in devia deducunt.* Juxta hanc regulam gravius peccatum  
 est, negare Deum, quam quaedam attributa: rursus inter attributorum  
 negationem, gravius is peccabit, qui rectoratum, et gubernationem mundi  
 178 Deo (aufert,)<sup>137</sup> quam is qui ejus omniscientiam aut omnipraesen|tiam, et  
 cetera. Deinde majori tenebitur ille peccato, qui Deum injustum asserit,  
 quàm qui docet Deo aliquid evenire, quod ipsi parum sit gratum: cum  
 prius gubernationem per proximam consequentiam subvertat, posterius  
 talia incommoda non comitentur. Pari jure gravius is peccabit, qui sodo-  
 mia se polluit, quam qui scortatione: quemadmodum is majoris peccati se  
 reum constituit, qui in innoxium caput iram et vindictam suam effundit,  
 quàm qui frustra irascitur. Ebrietatem autem malitiâ exsuperat scortatio,  
 cum in ipso actu scortationis (sit inordinatio totalis;)<sup>138</sup> ebrietas autem  
 frequentibus tantùm actibus hominem occupat, neque ad singulos actus  
 bibendi ebrietas sequitur; sicuti ad magnos haustus mors non sequitur,  
 licet si crebro continuentur, minutatim ipsum vitalem spiritum hauriant.  
 179 Quod si | quis tamen eo animo potu liberalius se invitat, ut rationem et  
 mentem à statu suo dejiciat, idque intendat: ille certè non minori peccato  
 se astringit, quàm qui scortatione sese polluit.

<sup>134</sup> Replaced in 1680 by: 'quamvis Deus jure imperet et ab hominibus postulet, ne ullo peccato se contaminent, quia actuale peccatum non manat ab habitu vitioso necessitate physica, sed morali; hoc est, novo voluntatis actu interveniente. Sic'

<sup>135</sup> Corrected in 1680 from: 'simus'.

<sup>136</sup> Replaced in 1680 by: 'conveniret aut congrueret.'

<sup>137</sup> Replaced in 1680 by: 'detrahit,'

<sup>138</sup> Replaced in 1680 by: 'compleatur totum peccatum, et aliquid perpetratur contra hominis dignitatem:'

Multo autem facilius iudicium dirigi poterit in discriminanda peccatorum gravitate, quae conservationi vitae sunt opposita: gravius peccatum homicidium, quam furtum: quia majori calamitate afflicta rempublicam homicidium in se consideratum, quam furtum: rursus gravius peccatum furtum, quàm mendacium. Quae autem peccata ejusmodi sunt, ut paribus incommodis mulcent societatem, ea etiam in eodem gradu consistunt malitiae moralis. Actus autem, qui quidem jure naturali mali non sunt, sed propter circumstantias tales fiunt; sive à Magistratu prohibeantur, sive  
 180 privatorum iudicio relictis sint: actus | illi tanto magis vel minus malitiae moralis fiunt participes, prout actus *suâ naturâ* causalitate vera morali pacem societatis et ejus incolumitatem laedunt. Addimus *suâ naturâ et causalitate verâ morali*, quia sunt peccata levia, quae per accidens nonnunquam gravissimas calamitates post se trahunt: sunt gravissima, quae per accidens nullum damnum reipublicae inferunt. Qui somno superatus, et excubias pro exercitu agens, hostibus opportunitatem insignis edendae stragis ea ratione suppeditat, minus peccatum commisit, quam is qui destinato consilio cladem machinatur exercitui, licet effectu frustretur proditio.<sup>139</sup>

*Quomodo investiganda poena peccatis debita*

Cognitâ peccatorum gravitate, diu latere non potest, quae singulis sit debita poena: cum enim jus poenae ex iisdem derivetur principiis, qui-  
 181 bus leges naturales suam originem debent: pro|ut legis naturalis alicujus observatio est necessaria, ita lex poenalis, quae eò tendit, ut legibus sua constet autoritas et observantia, erit intendenda. Dicimus legem poenalem, aut comminationem poenae, secundum eam regulam intendendam, aut relaxandam; non autem semper ipsam poenam: in multis enim possum interminari poenam jure, quam tamen exequi contra fas et aequum esset: et in multis comminatio poenae augetur, in quibus actualis poenarum inflictio idem incrementum non admittit: si mansuetudinis et justitiae leges Magistratus transcensurus non sit: nam saepe in quibus casibus est necessitas ferendi legem cum comminatione poenae, in iis non est eadem necessitas exequendi illam || comminationem. Adest  
 1006  
 182 justior adest ratio, quare in homicidam capitalis poena exerceri non pos-

<sup>139</sup> Inserted in 1680: 'quatenus inquam vitii et peccati ratio aestimatur ex damno, quo sua natura genus humanum mactare aptum natum est'



sit: si scil. istius personae mors post se trahet reipublicae interitum: imo etiamsi saepe tale periculum non adsit, v. gr. si rex praeter jus et aequum morti justum tradiderit, ejus factum capitali poenâ dignum est: ad poenae executionem progredi tamen non licet: cum in eo consistat potissimum regis majestas, ut ea scelera<sup>140</sup> in principe vindicare non liceat, quae severâ poenâ expiantur in privatis: nisi quis putet tam aequum esse principem propter sua peccata statim in ordinem cogere, quemadmodum privati malitia statim carcere et poenâ coërcetur: at quomodo tunc etiam principibus iniquis ex divinae legis praescripto parendum est?<sup>141</sup>

Praeterea quàm verum sit Magistratui saepe jus esse ferendi legem cum  
 183 poenarum comminatione, cui tamen jus non est poenae executionem  
 imperare: inde liquet, quod lex semper usum suum habeat cum homi-  
 nes à malo et peccato detertere studet. Quotiescunque itaque Magistratus  
 aliquid noxae metuit ex civium actione, talem jure prohibet, quia lex illa  
 fructum et usum suum habet. At saepe contingit vindictam istius noxae,  
 usum et finem honestum non habere, si nulla inde resultet societati uti-  
 litas. Quando v. gr. fertur lex contra aliquod vitium, quod vix per infirmi-  
 tatem humanam evitare licet, tali in casu legis latio justa est; fit enim ut  
 hominibus per metum major prudentia inseratur, et sternitur ad actua-  
 lem poenae inflictionem via, si saepius et frequentius in idem peccatum  
 incidant, et metus si sit ne ea infirmitas in habitum transeat: per poenae  
 184 autem inflictionem propter unicam transgressionem talis legis, nulla uti-  
 litas conciliatur. Quare cum de poenis agitur, accuratè distinguere oportet  
 inter poenam ipsam, et poenae executionem: nullum est dubium quin  
 quemadmodum nihil prohiberi potest lege, quin simul poena legi addi  
 debeat, sic omnibus peccatis debeatur poena: et quemadmodum omnia  
 peccata aequabiliter à recto non deflectunt, sic etiam singulis peccatis pro  
 diversitate graduum malitiae, constituit Deus et judex diversos poenarum  
 gradus: non potest enim id, quod maximè evitatum volumus minori metu  
 prohiberi: et id à quo animum minus alienum habemus, gravissimi sup-  
 plicii metu interdici: at in poenae executione alia ratio et via instituenda  
 est. Saepe is (nullo jure)<sup>142</sup> punitur, qui poenâ dignus est: sicut liquet ex  
 185 exemplis supra adductis: et | rursus is gravi poenâ punitur, qui intrinsecè

<sup>140</sup> Inserted in 1680: 'statim'

<sup>141</sup> Inserted in 1680: 'Et ideo non possum non improbare eorum institutum, qui ilico, ubi aliquid a Magistratu perpetratum putatur, quod ipsis videtur a jure et aequo deflectere, erga magistratum exardescunt studio, et ita se comparant, quasi ex syngrapha cum eo agere velint.'

<sup>142</sup> Replaced in 1680 by: 'recte'

eâ dignus non est. Cum enim jus praescribendi leges poenales, quas Magistratus jure permissivo naturali condit, nitatur jure conservationis sui, contingit saepius me jure aliquam legem poenalem praescribere, cujus transgressio summum post se trahere potest incommodum, cujus tamen is qui in legem praevaricatur, totalis causa per se in moralibus non est: v. gr. quando peccatum aliquod in republica grassari incipit, jure poenae intenduntur: saepe tamen is, qui tali temporum difficultate peccat, causa non est grassantis et dominantis peccati: atque ita peccatum ejus in tali temporis circumstantia gravius non est, quam si alio feliciore aevo commissum fuisset: jure tamen graviore poena affligitur. Nemo dixerit furtum  
 186 in Anglia gravius esse peccatum, quam in Hol|landia; licet illic furi gula frangatur, hic virgis caedatur.

Atque haec consideratio nos docet, quid sentiendum sit de illa sententia quorundam, quâ docent, jure naturali singulis peccatis certas poenas constitutas: || ita ut poena non minus sit juris naturalis, quàm peccatum  
 1007 aliquod dicatur contra jus naturale commissum: sic homicidio et adulterio capitale supplicium deberi docent. Hic enim distinguere oportet inter poenam (quâ peccata digna sunt, consideratâ tamen eâ poenâ extra executionis necessitatem: et inter poenam qua vendicanda ea esse decernimus in genere.)<sup>143</sup> Nullum dubium est, quin lege et aequitate naturali, stante hoc ordine universi immutabili, peccatis singulis poena constitui oporteat, et gravissimis gravissimae aptandae vindictae: ita ut necessario  
 187 diversitas poenarum sit statuenda, quem|admodum peccatorum diversitas; propter rationem supra in medium allatam: (et tenendum est poenarum gravitatem et levitatem talem fore, ut homini intellectu facile erit, Deum reverâ injustitiam fieri noluisse, et eam odio habuisse. Cum enim Deus mundi gubernator et justus rector universi agnosci velit ab hominibus, oportet etiam ut in discernendis poenis adversus delicta homo etiam, utens ratione incorruptâ et sanâ, agnoscat in iis justitiam.)<sup>144</sup>

<sup>143</sup> Replaced in 1680 by: 'in ordine ad justitiam punitivam et naturalem Dei, qua in die extremi judicii unicuique est tributurus secundum opera sua: de qua poena hic non est disserendi locus; quia hoc conjunctum est cum illa ratione peccati, quae desumitur ex naturali et insita natura peccati, quatenus justitiae et sanctitati Dei adversa est, non a damno quo afficit societatem humanam: oportet inquam distinguere inter poenam, qua peccata digna sunt in ordine ad justitiam Dei naturalem, et inter eam qua digna sunt, quatenus societatem civilem laedunt: deinde oportet adhuc distinguere inter hanc poenam et executionem istius poenae.'

<sup>144</sup> Replaced in 1680 by: 'quae est ut hominibus in mundo degentibus constet sua securitas et pax, deterrendo flagitiosos a malo poenarum metu, et inflictione; et iis delictis ex illa justitia, quae Societates civiles tuetur, major debetur poena, quae natura sua comparata sunt ad injiciendum majorem plagam Reipublicae; sive illa plaga et pestis metuenda sit ab

188 (Quantum autem ad ipsam necessitatem exequendi illam poenam,  
 mihi plane persuasum est repugnare justitiae et veritati Dei, homini-  
 bus malis, absque satisfactione intercedente, largiri praemium, aequè ac  
 bonis, qui per virtutis semitam grassantur ad immortalitatem. Quomodo  
 enim ex aequo rectoris instituto, tam bo|nos quam malos, idem potest  
 manere praemium? Hic tam<sup>145</sup> facile esset indicare contradictionem mora-  
 lem, quam in reliquis actibus, quos lege naturali imperari aut prohiberi  
 diximus. Nullum tamen argumentum videre licuit, quod mihi persua-  
 deret, Deum ex necessitate etiam quodvis singulare peccatum punire  
 debere, etiam levissimum: quamquam agnoscam, Deum etiam minimum  
 peccatum odisse: illudque apud Deum poenâ dignum, quia prohibere  
 debuit: non potuit autem prohibere, nisi additâ poenâ: alioquin etiam  
 post legem latam, homini integrum fuisset, illi legi obedientiam detrec-  
 tare. Sed necessitatem puniendi non video, nisi peccator in impenitentia  
 permaneat: tunc enim punit necessariò. Et inde satis evincitur neces-  
 189 sitas satisfactionis Christi: cum enim praevideret om|nes homines post  
 peccatum ingressum in mundum, mansuros in impenitentia, nisi singu-  
 lari beneficio et gratiâ eos inde extraheret: singularem illam gratiam lar-  
 giri peccatori impenitenti vetabat justitia, quae constituit ut malis malè  
 esset, et illi non pervenirent ad praemium, qui à meta continuò magisque  
 recederent.)<sup>146</sup>

Denique distinguere oportet inter poenae constitutionem, ejusque exe-  
 cutionem quam Deus vult inter homines fieri: et ejus respectu non aequi-  
 tas naturalis tam inter homines, quam apud Deum postulat singulis pecca-  
 tis certam poenam constitui, et gravioribus peccatis severiorem poenam,  
 minoribus mitiorem: sed antequam ad poenae constitutionem progredia-  
 tur judex, sciat oportet quae gravissima sint peccata, quae minora: quae  
 190 propter cir|cumstantias graviter puniantur, quae illa quae propter natu-  
 rae suae proprietatem talem poenam flagitent: deinde quae illa sint pec-  
 cata, quae Deus à judice in hoc mundo puniri vult. Sed quia difficillima  
 simul et utilissima est quaestio, scil. quis sit modus, ratio, et mensura poe-  
 narum, quam Magistratus observare debet in vindicandis delictis, lubet  
 non tantum haec parcè delibare, sed stadium illud penè totum decurrere:  
 atque ita palam facere quanam ad omnes quaestiones, quae in Ethica et

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ipso peccato per se, sive ab ira Dei excandescentis contra quaedam peccata, quae gravia in  
 se, eadem tamen proportionem Societatibus infesta non sunt: qualia inter alia peccata illa  
 sunt, quae contra hominis dignitatem, et contra pudorem naturalem committuntur.'

<sup>145</sup> 1651: 'tamen'.

<sup>146</sup> Deleted in 1680.

moralibus disciplinis tractantur, parari possint ex nostris principiis praesidia. Praemittam itaque aliqua argumenta, quae probare videntur omnem poenarum inflictionem è republica Christiana tollendam esse: deinde objectiones et dubia solvendo, quid de toto negotio statuendum sit aperiam.

- 191 Eâ itaque ratione argumentari posset aliquis pro poenarum sublacione è republica Christiana. Si Christus jubet condonare proximo, et ei delicti gratiam facere, quo jure ergo vindicatur? Docet doctrina Evangelica vindictam judici Deo relinquendam, et coelesti tribunali; quae ergo lex imperat aut permittit, apud judices terrenos vindictam persequi? Quo ergo jure erumpimus in bellum, aut trahimur ad arma, ut amoliamur contemptum, aut judex decernit poenam in furem, etiam tunc postquam ejus, quod furto sublatum erat, facta est copia? Quis privatus potest propter damnum acceptum deprecatores culpa, et peccatum suum confitentem, aliquâ poenâ ulcisci? At quo jure id facit Magistratus, cujus potestas et autoritas precaria est, et à populo collata? Quomodo populus Magistratui || conferre 1008
- 192 potuit, quo | ipse destituebatur? Deinde jubemur animam ponere pro proximo: at quam longo intervallo distamus ab illa charitate, si etiam propter damnum fortunae nostris illatum, capitale supplicium decernamus? Fortuna, fama, vita ipsa, nihili homini Christiano aestimanda sunt, propter summum illud praemium in coelis repositum: at quam longo alio pretio aestimamus haec omnia, si judices tamquam criminum vindices constituamus, et carnifices alamus in necem et opprobrium proximi? Denique fingamus fas esse vindictam publicam exercere, quis determinabit, qualis et quanta poena singulis delictis sit debita? Eritne mensura constituenda poenae, ex damni, quo affligit crimen societatem, magnitudine? At quis ille est, qui nos docebit, in quâ aestimatione quisque sua habere
- 193 debeat? Prout enim temperamenti, educationis, et morum apud diversas gentes est variatio, sic diversitatem graduum poenarum introducet: avarus capitali supplicio vindicandum esse censebit furtum: liberalis, et qui fortunas suo aestimat pretio, deprecabile peccatum esse asseret: nobilis sui contemptum severe vindicandum esse judicabit, ignobilis impune transmittendum. Quidam existimant moderamen inculpatæ tutelae extendendum etiam ad uxorem, liberos, et parentes: alii morte expiandum peccatum existimant, si quis in eorum defensione, proximum interimat. Et prout quisque pudicitiam uxoris suae magni vel parvi aestimat, ita adulterii poenam intendendam, vel mitigandam arbitrabitur. Deinde estne Magistratui ita perspectum quodnam damnum post se trahere appositum est unumquodque peccatum: quanta | sit hîc judiciorum diversitas, liquet ex variis poenarum gradibus, iisdem delictis apud diversas
- 194

gentes, vel apud eandem nationem diversis temporibus constitutis. Et ne longè exempla petantur; quondam adulterium ex constitutione Caroli erat delictum, quod pecunia expiari poterat: nunc capitale esse contendunt. Habuit proculdubio imperator Carolus suas rationes, et nostri suo seculo se suis destitutos non putant.

Quod si neque ab hoc gradu initium faciendum sit in poenarum distributione: ne scil. peccata, quae Dei Majestatem, aut hominis naturalem dignitatem laedunt supplicio subtrahantur: ille certè non minoribus difficultatibus se circumventum videbit, qui aliam viam inire statuit: nam  
 195 quae tunc regula secundum quam poena moderanda supererit? Quo jure poenae intenduntur, quando facinorosorum hominum multitudo gliscit? Quo jure in furcam agitur is, qui ea subduxit furto, quae murorum claustris servari non possunt? Cur capitale supplicium decretum in militem, qui excubias agens pro exercitu, somno se opprimi patitur? Et quis nostrum est, qui tantum sibi persuadebit fiducia, ut decretoria sententia concludat, quae poena singulis peccatis sit debita, quae in cultum naturalem incurrunt? Et cum multa sint peccata, quae contra naturam fieri dicuntur: quae erit norma secundum quam gradus poenarum distribuendi erunt? Quare Sodomiticum tantùm capitale, reliqua non? Vel si omnia morte expianda, ut quidam volunt, quo fundamento tam severa poena innititur? An Scripturae auctoritas hic in subsidium vocanda? At Novum Testa-  
 196 mentum | de poenis silet, Israëliitarum leges non ligant, nisi quae ex lege naturali depromptae sunt: ergo rursus ad aliud principium ipsâ Scripturâ prius confugiet iudex. Si jus naturale, quod innotescit ex consensu moratiorum gentium, peccatis singulis suam assignat poenam, quis judicabit quae sunt illae gentes moratiores? Et supra efficacissimo argumento probavimus, de aequitate aut iniquitate alicujus facti ex consensu generali gentium statui nihil posse.

Has difficultates lubuit in antecessum dare, quo nobis gradum facerent ad plenior<sup>1009</sup>em et accuratior<sup>1009</sup>em hujus rei tractationem, quam prae manibus habemus: quam sic auspicamur. Cum Deus homini vitam largitus sit, et in mundum introduxerit omnium rerum copiâ abundantem, Deo ingratum esse non potest si singuli eo munere utantur: rectè et |  
 197 ex aequo tunc etiam fecerint, si omnia illa impedimenta amoliri nitantur sine injuria proximi, quae illum usum impediunt. Cum itaque cuivis vitam, famam, fortunas, et omnia quorum dominus est, tueri liceat: neque eo jure excidere possit, nisi voluntate suâ, quâ dominium abdicavit: non potest iniquitas et malitia proximi illud jus defensionis sui suorumque aut imminuere, aut prorsus tollere. Si respondeatur; ex nequitia proximi jus quidem meum non imminui, aut illi nova jura accrescere: sed aliunde

nobis necessitatem impositam utendi clementer nostro jure, et charitatis ac clementiae argumenta ubique depromenda esse: condonandam itaque poenam proximo, et eligendum potius, ut is suo scelere nos in difficultates conjiciat, quàm ille nostrâ impietate pereat. Sed sic qui argumentantur, quàm | parum illi intelligunt charitatis officia: nam rectè inde conficeretur, 198 me plus debere proximo, quàm ego mihi debeo: cum tamen is ex Christi testimonio optatum charitatis gradum attigerit, qui proximum diligit sicut se ipsum. Jubemur equidem ultimum spiritum effundere pro proximo, hoc est, is non malè fecerit, qui eo usque commodis proximi invigilat, ut etiam vitam suam pro eo impendere paratus sit; non tamen in charitatis legem peccavit, qui suae vitae impendio, proximi compendia redimere nolit. Posset itaque etiam in certo casu privatus vitam suam impendere pro proximi salute: sicut superius id concessimus. Sed saepius charitatis interest, severam vindictam in scelera adornare: ne injuria prima invitans secundam, et tertiam, tandem facinorosorum hominum multitudo rem- 199 publicam inundet: | atque ita cavendum ne ignoscendo malis bonos perditum eamus. Qui itaque suae vitae et necis jus habet, non ideo et proximi dominus est. Condona poenam proximo: sine eum in vitam et bona tua impunè grassari; sed cave ne in aliorum damno et ruina charitatis laudem eas quaesitum; imo cave ne notam crudelitatis incurras: ut dum uni parcere velis, multis noxius existas. Et si privatus suam vitam in nullo habet pretio, quis te docuit eodem pretio habere vitam uxoris et liberorum: praesertim eorum, qui rationis usum non habent, et tuae fidei commissi sunt? Sed quam malè illi subducunt rationes suas, qui se adeo ab omni vindicta alienos venditant, qui tamen non desinunt pecuniam aliis concreditam, severè exigere: et si privatis admonitionibus nihil obtinere possunt, apud 200 judicem jus suum | persequuntur? Quare dum vitam impendere paratos se dicunt pro fratre, ei ne debiti quidem gratiam faciunt? Habent itaque singuli, habet Magistratus à singulis, jus infligendi poenam facinorosis: de mensura poenae peccatis adaequanda jam adhuc restat dubitatio: quam ita solvere pergitur.

Crimina quae ad directionem Magistratus pertinent, in tres classes dispartiri possunt: vel enim cultum Dei spectant, vel hominis dignitatem et naturam concernunt, vel proximi jus violant: de posterioribus paucis primò absolvam. Cum jus poenae, quam propter violatum jus nostrum infligimus proximo, nitatur voluntate Dei, qua concessit singulis jus suum defendere: neque alia ratione proximum nobis subjectum 201 esse voluit in poenarum exactione: nec (sinit)<sup>147</sup> frustra nos affligere eum,

<sup>147</sup> Replaced in 1680 by: 'permittit'

qui sine nostro damno commodius atque facilius aetatem agere posset. Prout itaque damnum et noxa augetur vel minuitur ex proximi delicto, ita poena intendenda vel relaxanda: à poena enim unicum et certissimum, praesidium petitur contra damnum, quod per proximi voluntatem nos attingit. Hinc prima origo || legum, per quas societas declarat quibus in rebus civium communio jus suum imminutum esse nolit, et legibus obniti-  
 1010 tenti poenam denuntiat: neque attendit, quàm grave suâ naturâ delictum sit, sed quale damnum reipublicae inferre possit si committatur. Inde est, quod jure à Magistratu gravissimè puniatur, qui levius peccavit, et ei poena condonetur, qui diris cruciatibus dignus est: hinc pro diversis rerum cir-  
 202 cumstantiis, unum idemque delictum nunc severio|ri poenâ, nunc mitiori vindicatur.

Si instes: quomodo novit Magistratus in qua aestimatione sua quisque habere debeat? At hic tanta difficultas non est, qualem sibi multi imaginantur. *Primò*: haec aestimatio aliquam latitudinem habet, neque in puncto consistit: nec Magistratus statim peccat, si proximum in difficultates aliquantulo majores conjiciat, quàm peccati demeritum postulare videtur: quemadmodum suprà probavimus, eum semper non peccare, qui levibus quibusdam difficultatibus sese impedit, quominus sibi suisque prospicere potest. Revocentur in memoriam, quae in limine hujus tractatus hâc de re diximus. *Secundò*: sufficit si Magistratus attendat ad consuetudinem et mores subditorum, quibus imperat: et juxta aestima-  
 203 tionem illam, quâ quisque sua ha|bet, quae possidet, poenas intendat, et mitiget: neque Magistratus interest inquirere, an populus justo et aequo pretio sua aestimet: cum jus ad poenam nitatur eo jure, quo quisque sua defendere potest: neque tenetur suum, de pretio suarum rerum, judicium, aliorum judicio subicere: loquimur autem de judicio communi (totius gentis)<sup>148</sup> et nationis, non privati cujusdam, aut singularis personae. Et hoc principio atque jure innititur aequitas diversarum legum apud diversas gentes iisdem delictis constitutarum: qui (praxis)<sup>149</sup> invictum mihi sup-  
 204 peditat argumentum ad id, quod alibi docuimus, scil. judicium hominis singularis in statu primaevo, de iis quae sibi expedire judicat, subjectum non esse judicio proximi. Quis enim non videt prorsus eandem ratio-  
 nem esse hominis singularis in ordine ad | proximum in statu primaevo, quae est ratio gentis ad gentem, post factam bonorum divisionem. *Tertio*: sunt non pauca crimina, quae circa prima principia conservationis sui ita

<sup>148</sup> Replaced in 1680 by: 'gentis totius'

<sup>149</sup> Replaced in 1680 by: 'usus'

occupata sunt, ut quemadmodum omnes in istaec principia consentiunt, sic de vindicandis criminibus, quae istaec subvertunt, in unam mentem et animum facile conspirent. Qui enim v. gr. vitam suam ante omnia habet ex legis naturalis dictamine, utpote ad cuius conservationem reliqua omnia destinantur, is etiam jure malit proximo vitae usuram auferre, quàm suam arbitrio inimici subijcere. Ergo cum omnibus eadem sit mens, Magistratus rectè ex nomine societatis homicidis capitalem poenam denuntiat. Et si quis recto judicio reputet, quae incommoda legitimi thori violatio inferat, facile crudelitatis notam effugiet, qui adulterio capitale supplicium statuit. Si autem Magistratus illa damna ex consuetudine gentis suae minora aestimet, justitiam non violat si minori supplicio isti peccato obviam eat: quisquis enim de suo jure remittit, dum proximo nullum inde accrescat damnum, is nemini facit injuriam.<sup>150</sup>

De iis autem delictis, quae Deum immediatè offendunt, aut contra hominis dignitatem aut naturam committuntur, alia ineunda est ratio; non enim ex damni et noxae quantitate mensura poenae desumenda est; sed ex magnitudine et gravitate peccati, etiamsi in nullas difficultates rempublicam conjiciant. Jus autem puniendi talia peccata, oritur rursus ex summo illo jure, quo quisque in statu primaevo ea proximo imperat, quae rebus suis expedire judicat; judicant autem omnes, qui Numen esse agnoscunt, quod mundum regit, sui officii esse, eorum peccatorum licentiam inhibere, quibus credunt supremum illud Numen graviter offendi: plane eodem jure quo parentes eos, qui suo imperio subsunt, castigant propter similia delicta. Facile autem devenit multitudo, et Magistratus, in cognitionem graduum peccatorum circa cultum Dei, eo ordine, quem supra indicavimus: et jure etiam ea peccata punit circa cultum, in quae nemo citra insignem malitiam, aut supinam negligentiam, incurrere potest: reliqua autem, quae difficilioris conjecturae sunt, condonat subditis: vel si ex prava consuetudine gentis, vel praeconcepta opinione, quaedam falsa pro veris assumantur, aut fundamentis proxima, quae ab iis longissimè remota sunt, cujusque officium est, patienter ea in se recipere mala, quae Magistratus in ipsum decernit, vel excedere ex provincia, et territorio ejus. Utrumque ex suo imperio Magistratus facere potest: priora tamen peccata, quae in Dei cultum incurrunt, ex jure et aequo punit, et meritò

<sup>150</sup> Inserted in 1680: 'Hoc autem intelligendum de poena v. gr. adulterio constituta ex illa lege et fundamento, quo poena peccatorum et ejusdem poenae gradus aestimatur ex damno, quo peccatum per se et ea causalitate, quae ab ipso, qua tali, fluit, afficit Societatem: non quo propter neglectum pietatis atque justitiae Deus in humanum genus malum invehit, quo revocetur a peccato.'



subditis gravia supplicia eveniunt. Nam licet animo suo imperare non possint, ut aliter credant, cum mentem tenebris et praejudiciis excoecatam habent: in istas tenebras non incidere, nisi suo scelere, aut improbâ atque damnandâ ignavia. Posteriora peccata Magistratus ex imperio quidem punit, non tamen ex aequo, (nisi reipublicae plurimum intersit) nam in talibus, aut aliquid indulgendum erat infirmitati proximi: aut Magistratus munus erat, diligenti investigatione veritatem in religione eruere, et meliora suadentium monitis obsequentem sese praebere.

208 Neque jam quenquam latere | potest, quam viam Magistratus insistere debeat in puniendis peccatis, quae contra decorum committuntur. Cum enim istaec graviora reputanda sint, in quibus major est turpitudine; iis autem major insit turpitudine, in quibus reverentia proximo debita maximè violatur, aut quae hominis dignitatem, in qua eum Deus constituit, maximè deprimunt: Magistratus observatâ proportionem, pro magnitudine turpitudinis poenas intendit. Neque hic excipi potest, *Primò*: Magistratum saepe prout mores et consuetudines obtinent, aliquam actionem cum turpitudine maxima conjunctam aestimare, quae saepe turpitudine tam gravi non laboret. *Secundò*: multos subditos posse aestimare actionem aliquam probrosam non esse, quam tamen Magistratus  
209 admodum detestabilem reputat. Neminem enim clam est, quam difficili via perveniatur in cognitionem peccatorum eorum, quae contra naturam fieri dicuntur, et quàm varia ubique gentium extiterint ea de re judicia: cum tamen de homicidio, furto, adulterio, rapina, perjurio etc. unanimis apud omnes gentes consensus fuerit. Sed haec magni ponderis non sunt. In genere enim apud omnes gentes receptum est, omnem turpitudinem et impudentiam peccatum esse: discrepantia enim iudiciorum tantum fuit de actibus singulatim consideratis. Si itaque apud quasdam gentes actus quosdam cum turpitudine fieri aestimatum est, non possunt non illi actus turpes esse: cum proximo eam reverentiam non exhibeas, quam ei deberi, unanimis populi consensus, inter quem degis, existimat. Ergo homo priva-  
210 tus eam reverentiam proximo denegare non potest, quam | ei tribuit tota societas, atque exhibendam vult. Ex aequo ergo Magistratus illi poenam denuntiat, qui lege communi sese eximere vult.

Si dicas, Magistratus fortassis majoris, hominis et proximi dignitatem aestimat, quam par est, sed id non facile evenire potest: honos enim et turpitudine, tali in casu unanimi et tacito consensu aestimatur: quemadmodum à mercatoribus mercibus pretium imponitur. V. Gr. membris genitalibus denudatis in hominum conspectu || incedere citra necessitatem inter nos Belgas probrosum habetur: non quia sic aestimat Magistratus: sed quia tota Belgarum multitudo ita reputat. Ergo in Magistratus potestate

non est, istam turpitudinem imminuere, aut augere, cum ex consuetu-  
 dine gentis, istaec dependeant, quam pauci immutare non possunt. Juxta  
 211 itaque illam consuetudinem introductam, poenas intendit aut remittit.  
 Quod si urgeas: et fortassè tota illa multitudo erravit in aestimanda ali-  
 qua turpitudine, quae actibus adjacet. Respondeo plebem in aestimanda  
 dignitate sua, vel proximi degentis in eadem republica peccare non posse,  
 si modò omnes consentiant: qualem unanimem consensum hic dari prae-  
 supponimus. Eo enim honore quisque dignus est, quo ab alio aestimatur;  
 modò talis sit, qui Dei Majestatem non laedit. Si praeterea quaedam dubia  
 restent, quae soluta non sunt, (ea legantur, quae adhuc dicenda sunt eo  
 loco, quo, quae hactenus docuimus de turpitudine, locis Scripturae confir-  
 mare studemus.)<sup>151</sup> Ut itaque concludam: non est quod Magistratum solli-  
 citum teneat, quâ poenâ vindicare debeat peccata, quae contra Deum, aut  
 212 con|tra decorum naturale committuntur: quantum ad priora, examinet  
 modo, quae ejusmodi sunt, ut non sine insigni malitia in talem errorem  
 homines incidere potuerint, eaque severè vindicet, vel morte, si tantoperè  
 Dei honorem imminuant, vel mitiori poena, si Dei gloria minus detrimen-  
 tum patiat. Peccata autem contra decorum naturale puniat, prout vide-  
 rit plebem ex consuetudine ab iis abhorre, vel ea insignem naturalem  
 impudentiam, aut dignitatis humanae depressionem conjuncta habere.<sup>152</sup>

<sup>151</sup> Replaced in 1680 by: 'earum solutionem diligens eorum quae diximus, meditatio haud difficile suggeret.'

<sup>152</sup> Inserted in 1680: 'FINIS'

PROBATIO QUAESTIONUM QUARUNDAM  
EX SCRIPTURA SACRA, QUAE QUIBUSDAM  
FORTE MINUS EVIDENTES VISAE SUNT.

213 Habes jam, Vir Clarissime, ea quae mihi sana ratio suggerere potuit: et quamquam nullum mihi sit dubium, quin tibi facilè persuasum sit, me non ita rationi humanae indulsisse in investigatione veri, ut etiam sacram Scripturam ducem non repudiaverim: attamen quia meritò tamquam falsum reputatur, quicquid aliqua specie in veritatem revelatam incurrere videtur, operae pretium esse duxi quaedam, in quibus mihi quosdam non ita suffragatores polliceri possum, quia à communi sententia nonnihil deflectendum mihi fuit, ex sacro textu probare: ut ita omnem dubitationem animo tuo eximam.

*Nullus propter pulchritudinem virtutis teneretur virtutem  
sectari; si nullum aliud inde sibi polliceri possit commodum*

214 Asserui in principio meae epistolae, homini nullam necessitatem fore sectandi virtutem, si Deus non decrevisset exercere iudicium. Putabit fortassis quispiam haec cum veritate Evangelica parum congruere, quae ubique docet, fideles amore filiali inductos ad praestandum Deo obsequium promptos reddi: mercenarios autem, et qui in agendo pretium spectant, Deo probare suum cultum non posse. Testatur Christus ipse, neminem se dignum esse qui patrem aut matrem aut se ipsum pluris fecerit: at quomodo illi charior non est sua felicitas, qui nisi praemium sibi propositum videret, cultum Dei omneque virtutis exercitium susque deque haberet? Testatur Christus Math. 5, 47, ejus benignitatem et amorem vanum esse, et nulla laude decorandum, qui eum tantum prosequitur amore, à quo ipse  
215 diligitur: at quomodo ejus dilectio Deo grata esse potest, qui ideo tantum ad Deum laudandum ducitur, quia mercedem inde sibi polliceri potest? Apostolus Paulus cum optat fieri anathema pro fratribus, praeter virtutis gloriam, aliam mercedem sperare non potuit. Paulus ad Romanos scribens cap. 6, v. 21, dicit eos, qui Deo mancipati sunt, fructum suum habere in sanctimoniam; finem autem vitam aeternam. Ergo virtus sibi ipsi amplissimum est theatrum: confert enim praeter vitam aeternam, sanctimoniae habitum, tamquam fructum uberrimum.

Haec fortassis alicui prima fronte plausibilia videntur: ubi autem propius in conspectum venere, priorem aestimationem et dignitatem tueri non possunt. Nam amoris et charitatis ratio, quâ Supremum Numen amplectimur, non differt ab ea, qua in proximum propitium habemus animum: at supra probavimus charitati, licet ea in singulis actionibus non spectare debeat ad privatum aliquod commodum, tamen locum inter homines non futurum, nisi summoperè conduceret omnibus et singulis agenda commode vitae: et inde charitatis opera à quovis praestanda esse urgemus. Pari ratione disserere licet de amore eo, quo Deum diligimus: non sinit equidem ejus natura, nos in ipso exercitio ad nostrum commodum attendere: aliqua tamen sperata utilitas isti amori originem praebuit. Declarat etiam Christus neminem se dignum esse qui patrem, matrem, sororem, imo vitam suam amat supra gloriam Christi; ita tamen, ut aequitatem talis amoris probet, quatenus tales malè subduxissent rationes suas, dum impraesentiarum animo suo morem gerentes, maluerint nunc suis indulgere voluptatibus cum probro et ignominia Christi, quàm sub spe praemii amplissimi durare constanter in professione religionis Christianae. Testatus equidem est Apostolus se paratum esse anathema fieri pro fratribus: sed his verbis Apostolus tantum indicatum voluit se gentem Judaicam in tanta aestimatione habere, ut eam pluris fecerit quam semet ipsum: et ad eam rem declarandum usus est verbis, quorum si proprium sensum urgeas, alia est significatio, quam iis expressam voluit. Fervens enim in alicujus amore animus, saepe ea egerit, quae pacato animo praestare cum aequitate et ratione non posset: quatenus amor nos ita intueri facit bonum ejus, cujus amore tenemur, ut aliarum rerum sensus et cogitatio nos deserat, quae votorum nostrorum adimpletionem jure impedire possunt. Quam multi ex animo optant pro patre, uxore, aut aliis arctâ aliquâ necessitudine sibi conjunctis oppetere mortem, qui tamen saepè sui juris non sunt idque satis noverunt; licet tunc non cogitent? Neque ideo imprudentia adest, aut fraus in talibus votis continetur: cum ejusmodi verba, quae tale votum declarant, sicut reliqua omnia, quae inter homines in usu sunt, ex suis circumstantiis aestimari debeant. Votum itaque Apostoli, aliorumque multorum, qui amore intentissimo inflammati in aliqua verba erumpunt, quae praestare non possunt ex aequo, nihil aliud complectitur; quam se velle ea omnia praestare in gratiam eorum, quorum bonum expetunt, ad quae effusissimus amor aliquem inducere posset. Si enim in primo usu verborum subsistere velis, in explicatione verborum Scripturae, in infinita absurda incidas necesse est. Verbi gratia: quis defendet Apostolum, eum à mendacio vacuum fuisse, cum Philipp. 4, v. 10, studens extenuare peccatum

negligentiae Philippensium in suppeditandis vitae necessariis, dicit eos ea de re tamen sollicitos fuisse; sed destitutos occasione: certè contrarium exploratum erat Apostolo: voluit tamen hic sequi consuetudinem inter homines usitatam, quâ ne videantur alicui exprobrare vitium, aut infirmitatem, iis verbis utuntur, quae actionem ab omni vitio liberare videntur: contenti verbis dubiis amici animum ad agnitionem peccati sui sollicitasse.

Locus ad Rom. 6 nihil probat, cum declaret piis fructum ex vitae innocentia oriri, scil. sanctimoniam: sed id in ordine ad vitam aeternam, quatenus sine sanctitate nemo Deum visurus sit. Si itaque vita aeterna  
 220 tamquam | praemium non esset piis propositum, non esset ipsa sanctimonia aliquis fructus, cum nullum usum haberet. Si dicas usum ejus ea in re consistere, quod disponat hominem ad alacriter obeundas virtutis actiones, quarum exercitium homini voluptatem conciliat; quatenus agit convenienter naturae suae, quemadmodum homini non potest non gratum esse, si diligenti investigatione aliquam veritatem in naturâ hactenus absconditam in lucem protraxerit. Sed cui constat eam voluptatem semper conjunctam fore cum exercitio virtutis, si Deus non decrevisset eam remunerari? Deus enim ita temperavit unionem animae nostrae cum corpore, ut ex iis actionibus anima praecipuè gaudio afficiatur, quae ordinem habent ad consecutionem finis, quem Deus sibi destinavit. Quo ordine  
 221 sublato fortassè idem affectus mentem non pertentaret, qua jam moveatur. Deinde vitiae tam delectant, quàm virtutes: sed si quid postea molestiae conferant, id est ex conscientiae lancinatione, quae ex metu poenae originem habet: et nunquam virtutis splendor tantoperè hominem afficeret, quin vel minimus praesens dolor totam ejus voluptatem confunderet. Quod ipse Christus innuit in parabola, quâ inducit hominem centum oves habentem, ex quibus una aberravit, quam omni cura et sollicitudine reperire studet: plus doloris percipiens ex jactura unius ovis, quàm caperet voluptatis ex reliquo numero superstite. Sublato itaque praemio, nulla ratio esse posset, quare potius virtutem sectaretur, quàm vitium; sed id semper ab omnibus cum ratione expeteretur, in quo cum majori gaudio versaretur.

222 Loca autem Scripturae non pauca sunt, quae nostram sententiam stabiliant: sed cap. 15 ad Corinthios epistolâ primâ, ex professo Apostolus nostram sententiam edocere studet Corinthios: intendit enim probare necessitatem resurrectionis, et quantopere intersit eam à Corinthiis credi: idque inter alia argumenta eâ ratione probat, quod *alioquin eorum fides vana sit*, v. 14. *Quod miserrimi omnium hominum sint fideles, si tantum in hac vita sperent in Christo*, v. 19. Quod illi malè calculum suum ponunt,

*qui omni momento pro Christi nomine periclitantur*, v. 30. Quod eorum institutum rationi conveniens sit, *qui dicunt, edamus et bibamus, cras moriemur*, v. 32. Supremo enim iudicio sublato illi sapientissimè vitam suam instituunt, qui properantibus fati omne quod possunt gaudium  
 223 rapiunt. Certe quam parum pulchrè argumentaretur Apostolus, si in virtutis exercitio praeter spem praemii conferendi post hanc vitam, tam insignis fructus esset repositus? Quam parata fuisset responsio Corinthiis, pernicioso illo errore seductis, fidem sc. suam vanam non esse, neque Apostolos frustra tot exantlatos esse labores, cum ipsa virtus suis sectatoribus amplissima merces sit: et malè istos liguritores et catillones rationes suas subducere, qui in voluptatibus summam voluptatem ponentes, peccatorum acerbitem non degustant. Plura non addam, ne multis locorum citationibus res tibi ducatur in fastidium: pergo ad alia quae te morari possent.

*Dantur actiones indifferentis naturae, nec  
 bonitatis nec malitiae moralis participes*

Dixi praeterea omnes actiones cum suis circumstantiis consideratas, peccatorum aut virtutum nomine venire non posse: sed saepe indifferentem  
 224 suam naturam | retinere in ipso usu et exercitio. Multos ab hac sententia dissentire scio: lubet itaque etiam Scripturae auctoritate adstruere illi rei fidem. 1 ad Corinthios cap. 7, v. 18, sic inquit Apostolus: *circumcisis aliquis vocatus est, ne attrahat praeputium. In praeputio aliquis vocatus est, ne circumcidatur*. v. 19, *Circumcisio nihil est, praeputium nihil est: sed observatio mandatorum Dei*. Considerat hic Apostolus praeputium, sub ea ratione, quam habet sub novo Testamento in iis, qui in praeputio vocati erant ad cognitionem Evangelii. Haec res certè non potuit non fuisse res indifferentis naturae, quemadmodum Apostolus id testatur, quia non comprehendebatur sub mandatis Dei, ne tunc quidem cum praeputium alicui singulari personae vel adesset vel abesset: quia neque per se quicquam  
 225 faciebat ad pietatem, quod facile omnes fatentur, neque etiam per accidens ex destinatione hominis, eum ad pietatem promovere poterat. Quam enim virtutem aut vitium inde excudere potuisset, quod praeputiatus vel non praeputiatus incederet? Non magis certè quàm si quisquam putaret sibi materiam vitii vel virtutis paratam, quod mentum spissâ vel rarâ barbâ vestitum haberet. Hiccinè argumentum est quod nos exhortari debeat aut ad gratiarum actionem? Aut ad deprecandam iram Dei? Aut ad excitandam in nobis religionem? Aut reverentiam Numinis? Aut ad promoven-

dam aut retardandam salutem proximi? Hoc qui existimat, religionem Christianam ludum et jocum facit.

226 Rursus v. 28 ejusdem capituli inquit Apostolus, *quod si etiam uxorem duxeris non peccasti, et si nupserit virgo non peccat*. Hic licet | negare non possim, eum, ex praescripto Apostoli, homine Christiano quid dignius facturum, qui suae libidinis potens à matrimonio se temperat, (de tali enim hic sermo est) et Deo sese totum addicit: attamen id verum est, talem à peccato immunem esse ex sententia Apostoli, si à culpa vacuus, aut in tali persona matrimonium virtutis rationem induere potest, aut rei indifferen-  
227 tis naturam habebit? Non virtutis nomine venire potest, quia talis tantum animo morem gerere studet: ergo indifferens res erit matrimonium in tali persona: quemadmodum aliquis, qui cum diem totam insumere posset assistendo cultui sacro, partem diei tantum ei impendit, reliquum tempus honestis oblectamentis impartiens. Ergo in tali homine matrimonium rei indifferens naturam retinet. Sed efficacissimum | argumentum desumitur ex Matthaei cap. 22, v. 37, ubi Christus quaestionem legis cujusdam doctoris solvens dicit, *mandatum maximum in lege, dilectionem Dei ex toto corde et anima: et secundum priori simile, esse dilectionem quâ quis proximum sicut se ipsum diligit*. Cui consentiens Paulus Rom. 13, v. 10, dicit *charitatem esse completionem legis*. Quae itaque actiones neque in charitatem incurrunt, neque etiam ejus argumenta, aut effectus sunt ea in lege, nec prohibentur nec imperantur. Quaeso quomodo charitas, quam Deo aut proximo debeo laeditur, si hic in muséo meo accumbens, erecto aut inclinato aliquantulum corpore hanc scripturam exaro?

### *Materia votorum est libera*

228 Quaestio cum priori affinis est, quam in praecedentibus terminavi, an scil. votorum materia sit libera, ita ut homo iis abstinere | possit, si velit, sine peccato: licet gratus opus se praestitutum Deo sciat, si votum concipiat: denique an homo possit majoris virtutis exercitium sibi interdicere, cum ejus exserendi suppetit occasio, et minori contentus esse, citra peccati labem. Sic mihi persuasum est, et possem me tueri autoritate clarissimorum virorum in Ecclesia nostra degentium, quos meae sententiae auctores habeo. Sed praestat argumentis ex Scriptura depromptis tibi hanc veritatem persuadere; quàm autoritate humana te ad credendum inducere. Non te ducam per multas argumentorum classes.

Insigne argumentum colligimus ex Epistola ad Galat cap. 6, v. 10, quo loco exhortatur Apostolus *ut benefici simus erga omnes, sed maxime tamen*

- erga domesticos fidei.* Sed efficax argumentum elicitur ex 2 Corinth. cap. 8, v. 3 | et 13, in quibus testatur Apostolus *Corinthios supra vires voluntarios fuisse in sublevanda fratrum inopia*, v. 3, versu autem 13 docet *eam charitatis legem non esse, ut quis semet in angustias conjiciat, dum aliis suis bonis prodesse studet.* Ergo potuissent Corinthii minus liberales fuisse, et tamen in charitatem non fuissent injurii. Quemadmodum is non peccat, qui sui juris existens, et fortunarum suarum dominus, bona sua inter pauperes distribuit: se ipsum tenui victu alere potius volens, quàm deliciis frui, quas ex divitiis suis legitime percipere poterat. Scio equidem regeri solere, multos minus animi sui potentes esse, ut amplissimis Dei muneribus uti cum modestia possint, et ideo talibus necessitatem incumbere deserendi fortunas suas. Sed quid si aliquis se satis fortem agnoscat ad utendum fortunis et bonis | suis absque peccato? Insigni tamen charitate motus, ita ad animum revocat paupertatem proximi, ut malit abdicare possessiones, ut iis pauperum inopiae succurratur, quàm videre proximum sub onere paupertatis ita premi? An is non fecerit opus omni laude prosequendum? Quod si tamen aliquis ad excellentem illum gradum charitatis non contendat, sed vulgari contentus, cum gratiarum actione utatur donis Dei, an ille non vacabit culpa? Ita existimo, juxta illud Apostoli Petri dictum Act. 5, v. 4, *nonne si servasses manebat tibi, et venundatum manebat in tua potestate?*, indicans Ananiam nulla lege obstrictum fuisse, quare agrum venderet, et pretium Deo addiceret. Cum tamen jam cum reliquis fidelibus ad heroicum illum charitatis actum niteretur, promissis standum fuit.
- 231 Deuter. cap. 23, v. 21, expressis verbis lex habet: *Si voveris votum Jehovae Deo tuo, ne differtoolvere illud: nam omnino reposceret illud Jehova Deus tuus abs te, et esset in te peccatum.* v. 22, *Quod si abstinueris à vovendo; non erit in te peccatum.* Quomodo ergo vota non versantur circa res, ad quas nemo ullâ lege adstringitur? Si quis tamen de iis votum concipiat, rem Deo gratissimam operatur. Objicere solent illi quibus haec sententia minus probatur, cujusque officium esse ea omnia alacriter praestare, quibus Dei gloria promoveri, aut proximo utilitas conciliari potest. Neminem debere reluctari conscientiae suae, quae vicem Dei loquentis sustinet: si constet opus bonum esse, ad quod nos ea hortatur. Sed supra probavimus nos, ita debere semper gloriam Dei, et proximi salutem quaerere, ut nunquam id | agere oporteat, quae ejus gloriam obscurant, aut proximi salutem obicem ponunt: semper autem id agere, quod intentissimus amoris Dei aut proximi gradus postulat, nulla lex nobis imperat. Apostolus Paulus 1 Cor. 7 concedit *mulieri potestatem nubendi si velit.* Eandem tamen iisdem qualitatibus et circumstantiis vestitam melius facturam docet, si coelibat-
- 232



tum amplectatur, quatenus in iis frequentior esse poterit, quae immediatè cultum Dei spectant. At quo jure Apostolus talem libertatem indulgere virgini potuisset, si sine peccato, id quod magis sanctum est, à nemine omitti potest? Negabunt quidem adversarii, virgini in iisdem circumstantiis constitutae istam potestatem ab Apostolo concedi. Sed si ea exceptio vera sit, nescio quomodo Apostolus satisfecerit quaestioni Corinthiorum, neque |  
 233 judicabunt ullum dubium ab Apostolo solutum esse. Quaerebant illi quomodo sese gererent in rebus quae matrimonium spectant: docet Apostolus inter alia virginem, quae se continere non potest, debere nubere, eam autem, quae libidine suâ superior est, melius facturam, si à matrimonio se temperet, quia tunc sine interpellatione ulla vacare poterit rebus divinis. Si autem existimet parens, id parum congruere virgini, aetatis adhuc integrae: addit talem non peccaturum si filiam suam elocet. Hic certè de tali virgine sermo esse debet, quae sui animi potens, neque propter Deum, neque propter proximum matrimonii vinculum defugere debebat: cum de talibus jam dixisset Apostolus eas ad matrimonium confugere debere: *ad*  
 234 *evitandam scortationem quisque maritus habere propriam suam uxorem | debet, et quaevis uxor proprium suum maritum*, cap. 7, v. 2.

Quod si aliquis istum conscientiae motum in se experiatur, ut ad ejusmodi opera, de quibus hactenus mentionem fecimus, se incitari sentiat: anne adhuc illi liberum erit isti instinctui non obsequi? Respondeo si ita judicet, neque à se impetrare possit, ut credat aliter, tenetur judicio suae conscientiae obsequi; sed nunquam quispiam ita judicat, quin existimet istaec opera omitti non posse sine peccato. Et revera saepissime circumstantiae tales sunt, ut si quis eas bene perpendat, reperturus sit non sine gloriae Dei intertrimento, aut proximi incommodo insigni, ad cujus amolitionem lege charitatis communis tenebatur, opera pietatis et charitatis à se omitti non posse. Neque objici potest praeceptum Christi, de diligendo Deo ex toto animo, |  
 235 atque ex omnibus viribus, et proximum sicut semet ipsum: cum his verbis non denotetur intentissimus amoris gradus; sed sincerus et non fucatus affectus. Quod satis liquet ex locis Scripturae 1 Regum 2, v. 4, et 1 Reg. 8, v. 48 et v. 61, quibus in locis Deus imperans veram et non fucatam respiscentiam, eâdem phrasi utitur, quâ Christus: at fieri non potest, ut omnes eundem pietatis gradum attingant. Et cum Christus doceat eum insignem charitatis actum editurum, qui suam vitam proximi vitae post habeat: quo facto ostenditur nos proximum plus diligere, quam nosmet ipsos: fieri non potest, ut verba Christi intelligenda aliter sint, quam de sincero et non fucato amore, erga Deum et proximum: ita tamen, ut Dei dilectio, dilectione quâ proximum prosequimur  
 236 nobis prior et potior | esse debeat. Et certe cum Christus majori amore

Johannem et Lazarum sit persecutus; vide Johan. 11, v. 3, et 13, v. 23; quam reliquos Apostolos: sequitur aut Christum in legem praevaricatum fuisse: aut legis verba aliter accipienda esse.

Asseruimus praeterea opera charitatis vulgaris, licet ex studio quo quisque studet se conservare oriantur, tamen naturam suam non exuere. Unum locum Scripturae adducam, qui luce clarius nos docebit ejus rei veritatem. Dicit Apostolus Paulus Rom. 13, v. 5, nos supremæ potestati subjectos esse debere; non tantum propter metum, sed etiam propter conscientiam. At cui dubium est, Magistratus et imperia ab hominibus inventa esse, ut quisque vitam et fortunas in tuto collocare posset? Ortum  
 237 igitur suum habet imperium ex studio, quo | quisque volebat in se bene consulere. Hoc tamen nihil impedit, quo minus Apostolus velit nos omnes etiam propter conscientiam Magistratui obsequium præstare: hoc est ex animo, non metu damni, aut amore lucri, quod eodem reddit. Ad Galat. cap. 5, v. 15, Apostolus manifestè declarat inimicitias, quæ charitatis opera excludunt, in perniciem eorum tendere, qui in iis sese exercent: *Quod si, inquit, alii alios mordetis et devoratis, videte ne alii ab aliis consumamini.* Si itaque ad damnum vitandum, inimicitias studendum non sit: ergo ad parandum aliquod commodum, charitati operam dare oportet. Dicit equidem Apostolus 1 Cor. 13, v. 8, charitati etiam in vita æterna locum futurum; in qua tamen mutuis auxiliis homines non indigebunt. Sed quid mirum,  
 238 cum nos ipsi agnoscamus neminem, | dum explet aliquod charitatis officium, debere respicere ad suum commodum: quemadmodum nemo ideo Magistratui obtemperare debet ut evitet damnum. Affectus itaque charitatis idem futurus est in coelo, qui nunc est in terra, quatenus tunc etiam quicquid proximo gratum futurum arbitrabimur, id omne prompto studio in eum conferemus: sicut charitas nos omnes ad idem studium in hac vita ducit.

*Ratio decori et indecori ex circumstantiis tantum desumenda est*

Accedemus nunc ad id, quod ante omnia ulterius ex Sacra scriptura mihi probandum duxi: scil. quod de peccatis contra naturam et decorem naturalem docuimus: rem enim in odium à malevolis adductum iri mihi dubium non est: quare tanto studiosius oportet omnem calumniam avertere. Dividimus ea peccata in duas classes, quorum quaedam propriè contra  
 239 naturam fieri dicuntur, alia con|tra decorem naturalem. Haec posteriora cum prioribus sub una classe redegimus: quia in iis omnibus impudentia est. De iis, quæ contra naturam propriè fieri dicuntur, talia docuimus, ut à

quibusvis facile assensum impetratura sint: quatenus in re ipsa hic à communi sententia non recedimus. Si cui demonstratio, quâ illorum peccatorum turpitudinem probare studuimus, minus arrideat: ego aliorum industriae non inuidebo, si nobis compendiosiore viam demonstrare possint. De aliis peccatis, quibus etiam turpitudine adesse creditur, ea asseruimus, quod horum omnium nihil quicquam in se turpe sit: sed propter circumstantias tantum talia habentur, a quibus turpitudinis notam mutuatur: à quibus circumstantiis ita nudari possunt, ut si quis tunc horum quicquam committat, contra bonos mores | peccare non praesumitur. Et ideo asserimus pudendorum revelationem in casu necessitatis fieri posse: imo citra peccatum ab iis fieri, ubi talis consuetudo obtinet, ut ab omnibus putetur impudentiam non adesse. Pari ratione innixi, diximus nullos gradus naturae lege prohiberi in matrimonio: nulla colloquia de rebus venereis esse in se impudica; sed propter circumstantias tantum. Petuntur autem omnes illae circumstantiae vel à libidine proximi, vel ejus dignitate, vel ab aestimatione propria, in qua unusquisque se tueri debet. Cum autem multa desinant esse libidinis incitamenta propter mutatas circumstantias, quae si adfuissent, libidinem proximi inflammassent, meritò talia fieri dicuntur sine peccato. Deinde cum notae externae, quibus proximo reverentiam et honorem exhibemus, varient, | multa apud gentem unam cum proximi aut sui ipsius probro fiunt, quae mutatis circumstantiis, hoc vitio carent.

Sed rem sacris Scripturae textibus probare conabimur. Johan. 21, v. 7, legimus Simonem Petrum cum ad Christum properaret, qui discipulis piscantibus de improvviso intervenerat, sese amiculo induisse; non audens ad Christum nudus propius accedere, qui cum sui ordinis hominibus, cum quibus ipsi magna intercesserat familiaritas, eam libertatem sibi indulgebat. Quae hic ratio fuit, quare in conspectu Christi id facere pudebat, quod coram suis sociis facere, pudor non deterrebat? Fuit proculdubio circumstantiarum mutatio; adfuit aliquid Christo, quod in familiaribus non reperiebatur: et ideo aliquid Christo et sibi debuit Petrus, quod Apostolis praestare | non erat necesse. Dignitas Christi non sinebat corpus nudum, quod inter ejus regionis homines foedum aestimabatur, vestibus non ornatum, quemadmodum etiam inter nos, ipsi ostentari: et studium, quo quisque à se contemptum amoliri studet, edocebat Petrum, non conveniens esse illi infirmitatem suam ostendere, qui hoc potuisset vertere in occasionem contemptus. Et eò reduci debent omnes rationes, quare coram quibusdam quaedam agere erubescimus, quae committere pudor non prohiberet, si alii familiares adessent: loquor de iis rebus, in quibus pudor tantum, non libido, quaedam agere vetat. Eadem etiam ratio est, quare in conspectu parentum aut aliorum arctissimâ necessitudine nobis

conjunctorum, nonnulla facere vereamur, quorum in aliorum consortio non puderet.

- 243 Apostolus Paulus 1 Cor. 15, v. 43, dicit *corpus foedum seri*. At quomodo corpus nostrum foedum est, quod ad imaginem Dei creatum est, et ubique lineamenta habet, quae insignia mentis dona nobis repraesentant, cujus habitaculum fuit? Foedum itaque fuit ex Apostoli sententia, quia corpus nudum consideratum, et suis ornamentis privatum, foedum et decore privatum aestimatur. Quemadmodum foedum aestimatur in publico naturae requisitae explere: in secreto autem id agere oportet: et licet omnibus constet quare aliquis secessum quaerat, non habetur pro dedecore. Et rursus, quod uni foedum et turpe esse aestimatur, alii propter idem factum similis impudentia non imputatur. Multa à viris fiunt sine probro, quae si virgines committerent, inverecondae frontis esse putarentur. Nequis autem
- 244 dubitet eâ ratione tantum ab Apostolo corpus nostrum foedum appellari: legat aliquis ea, quae Apostolus dicit in eadem Epistola cap. 12, v. 23, 24. *Et quae putamus membra corporis maxime esse inhonesta, iis honorem ampliorem circumponimus: et quae sunt in nobis indecora, copiosiore decorem habent: nam quae sunt in nobis decora, iis decore non est opus; sed Deus contemperavit corpus, ei cui deerat, copiosiore tributo honore*. Hic certè de partibus genitalibus sermo non tantum est; sed etiam de iis, quas tegere consueverant Corinthii: dicit autem Apostolus eas partes decore naturali destitutas fuisse, et ideo indignuisse adscititiâ. At quis existimet Apostolum alia ratione motum, iis partibus detraxisse honorem; nisi quia ex Corinthiorum usu, illae partes nisi tegerentur, etiam ex eorundem sententia foedum aliquem aspectum habere putabantur.
- 245 Et rectè quidem Corinthii, usu sic inter ipsos obtinente, iudicabant: et ideo Apostolus dicit illis partibus adscititium ornatum etiam à Deo additum: quia omnis impudentia lege Dei prohibetur, et pudor et reverentia imperatur, quae in revelatione membrorum illorum, quae consuetudo inter Corinthios conspectui patere vetuerat, abesse necessariò debebat. At quod sciam nemo hactenus in illam prolapsus est sententiam, ut naturae dictamen esse crediderit, illa omnia membra tegere, quae Corinthii vestibus ornârant. Ergo consuetudo talem membrorum obvelationem introduxit, quia corpus in se consideratum humile est; Phillip. 3. 21, *Christus transfigurabit corpus nostrum humile: ut conforme fiat ejus corpori glorioso*. Quid mirum itaque
- 246 homines moratiores facile in istos mores transire, quibus hominis dignitatem magis magisque extollant? Quemadmodum videre licet, eas gentes, quae prae caeteris decori et honesti studiosae sunt, istaec signa frequentia in usu habere, quae ex consuetudine istius gentis, cultioris et moratoris animae signa sunt.

Rursus idem Apostolus 2Cor. 11, v. 17, sic inquit, *quod dico, non dico secundum Dominum; sed ut desipiens in praefidenti illa gloriatione.* v. 19 indicat illam gloriationem indecentem fore; nisi Corinthii benigniter eam tolerarent: et se quippiam facere, quod fuisset contra bonos mores; nisi prius veniam praefatus fuisset id agendi. Inde sic concludo: si ex concessione proximi aliquid fit licitum, quod, nisi talis juris renunciatio intervenisset, peccatum fuisset, sequitur actiones, quae propter turpitudinem in peccatorum clas|se ponuntur, eam turpitudinem tantum acquirere à circumstantiis: quae si auferantur, jam amplius eo nomine improbari non possunt. Usurpavit Apostolus in loco citato consuetudinem, quae nobis omnibus familiaris est, qua si quid agendum aut dicendum sit, quod fieri veterat proximi dignitas aut pudor, praefari solemus veniam: et ex consuetudine usitata ille tunc nullam commisit impudentiam: addidi ex consuetudine usitata: nam si unus aut alter sibi invicem condonent mutuam reverentiam et honorem, extra illas circumstantias, in quibus publica consuetudo voluit posse supersederi, citra impudentiae notam, mutua veneratione, illi ideo à peccato immunes non sunt: quia consuetudo non pendet à paucis; sed à tota multitudine, quae quibusvis et singulis hominibus in certis circumstan|tiis constitutis, attribuit jus agendi, aut in se aliquid admittendi citra violationem pudoris. Quod itaque alicui confertur, aut adimitur ex suffragio totius gentis, id nemo ex privato arbitrio abdicare aut sibi vindicare potest. Si cui itaque constat ex iudicio multitudinis actionem aliquam impudentiae damnatam iri, illi non licet clam id agere; licet proximus aliquis, cujus aestimationi ex dictamine gentis aliquid debet, de suo jure se cessisse dicat: non potest enim id jus abdicare, quod tota multitudo ei inesse voluit. Et ea causa est, quare nulli in iis regionibus, in quibus consuetudo membra genitalia tecta esse voluit, liceat ea revelare in conspectu alicujus, altero licet consentiente, quando tota gens arbitratur id sine pudoris violatione fieri non posse: rursus tunc licebit citra peccatum, | quando eadem gens consensu tacito existimat id sine verecundiae laesione fieri posse.

Et jam in aperto est, quare Deus voluerit Adamum et Evam post commissum peccatum, vestibus tegere: et quare iis et posteris liberum non fuerit eas abjicere manente pudore et verecundiâ, quae Adamo adfuit ad primum conspectum uxoris, post peccatum commissum. Ante commissum peccatum instar puerorum erant, quoad illum pudoris affectum: peccato perpetrato, pudoris affectus animam eorum occupavit, ex quo pudore judicabant indecens esse genitalibus denudatis incedere: quemadmodum idem iudicium tandem formamus crescentibus annis: et ideo existimaverim nunquam sine gravi scelere morem illum de non tegendis illis partibus

250 apud quasdam gentes introductum | fuisse: quamvis jam postquam intro-  
ductus est, sine peccato observetur. Sic facile mihi persuaserim, Deum  
multa alia semina honestatis indidisse hominum menti, quae si excole-  
rent, conditionem suam honestiorem et gloriosiore redderent: eaque  
fortassis exculpta è primis parentibus, et iis, qui longa serie nepotum ab  
iis remoti non fuere: postea tamen ab aliis minus exculpta intercidisse, non  
sine gravi peccato: ut nonnunquam artes et disciplinae eandem experiun-  
tur fortunam: postea Deum, inter tot alias nationes, gentem Judaïcam sibi  
in peculiarem possessionem vendicantem, et ad insignem dignitatem eve-  
here studentem, legibus expressis antiquos et pudicos mores revocasse,  
et multa imperitasse, quae quidem ex legis naturalis vi non fluunt, insig-  
251 nem tamen morum modestiam com|plectuntur. Huc potissimum refero  
gradus in matrimonio prohibitos: leges enim tales cum naturali honestate  
admodum congruunt: et ideo Theologi non praeter rationem urgent iis-  
dem legibus omnes Christianos etiam devinciri: quamvis in eo peccent,  
quod dictamen legis naturalis esse putent: longè enim differunt lex natu-  
ralis, et honestas naturalis: sicut ex supradictis liquet. Christiani itaque  
cum de iis omnibus ex praescripto Pauli cogitare debeant, quaecunque  
sunt vera, quaecunque veneranda, quaecunque justa, quaecunque ama-  
bilia, quaecunque boni nominis, in quibuscunque virtus aut laus inest:  
etiam in contrahendis matrimoniis ea negligere non debent, quae lauda-  
bilem pudoris affectum perficere possunt: sicut parentes negligentes et  
252 supinos esse non decet in iis tradendis liberis, quae | in posterum mores  
eorum commendare possunt. Et ea forte fuit ratio, quare Apostolus in-  
cestuosum Corinthium excommunicandum censuerit, quatenus doctrina  
Evangelica jubet eas personas reverentius à nobis haberi, quae tam arctâ  
necessitudine nobis conjunctae sunt. Sed cum adhuc incertum sit, quo-  
usque leges gentis Judaïcae, quae honestum et decorum spectant, nos  
Christianos obligent: tutior responsio est, jure meritoque istum incestuo-  
sum, tam dure et acerbè habitum ab Apostolo, quia ea perpetrabat, quae  
inter Corinthios ex consuetudine apud eos introducta, sine insigni impu-  
dientia fieri non poterant. Atque ita spero tibi, vir Clarissime, satisfactum  
iri super iis peccatis, quae decorem et honestatem spectant. Pergimus ad  
pauca alia, quae adhuc restant.

*Jus naturale humanum, et divinum stante hoc  
mundi ordine iisdem terminis includuntur*

253 Diximus etiam Deum non pos|se non tamquam injusta aut indecora aesti-  
mare, quaecunque jure naturali humano talia esse putantur, cum stante  
hoc mundi ordine, distinguere non oporteat inter jus naturale divinum et  
humanum. Haec nostra sententia eo nomine, primò multis probari debet,  
quia longissimè recedit ab erronea eorum sententia, qui docent, multa  
sub V.T. genti Judaïcae concessa fuisse, quibus aliquam iniquitatem inesse,  
ratione naturali duce investigari potuit: Deum tamen tam rigidè cum iis  
agere noluisse; sed suâ clementiâ multa peccatorum numero exemisse,  
quae eam notam effugere non potuissent, si stricto jure agere voluisset. Si  
enim nostra sententia vera sit: et demonstratio superius tradita admitta-  
tur, omnis disputandi ansa adversariis praecisa est.

254 Sed rem argumentis probare conabimur: Apostolus Paulus ad | Roma-  
nos cap. 1, v. 32, dicit *gentes scivisse jus Dei*, scil. qui facerent ea peccata,  
quorum in eo capite mentionem fecit, *morte dignos esse*. Non potuerunt  
id gentes scivisse, nisi simul ipsis constiterit in actionibus illis, quas ibi  
Apostolus damnat, fuisse malitiam: at quae ratio gentes edocuit in iis  
peccatum fuisse, eadem necessariò docet in omnibus, quaecunque jure  
naturali humano prohibentur peccatum fuisse: alioquin et tunc, et jam,  
gentes haberent, quod peccatis suis, lege naturali prohibitis, obtendere  
possent, et suam ignorantiam vertere in peccati excusationem. At Apos-  
tolus in loco citato docet gentibus exploratum fuisse ex transgressione  
legis, Deo jus nasci ad poenae inflictionem: ergo reverâ tale jus Deo acce-  
debat: non potuit itaque Deus illud jus abdicasse: alioquin gentes dubiâ  
255 ratione inducti, sta|tuissent ea omnia Deo improbari, et vindice poena  
digna, quae ipsae, sanâ ratione motae, in classe peccatorum ponebant.  
Ergo quaecunque probare possumus committi in legem naturalem huma-  
nam, etiam committuntur in legem naturalem divinam stante hoc ordine  
mundi: alioquin verum non esset, ex singulis peccatis contra legem natu-  
ralem humanam commissis, necessariò Deo jus nasci ad inflictionem poe-  
narum, quod tamen Apostolus certum esse docet ex lege naturali.

Deinde probamus iis omnibus Scripturae locis, quae à Deo amoliri stu-  
dent omnem iniquitatem et injustitiam, quam ex tradita aliqua doctrina  
Deo inesse homines, ratione naturali ducti, putare possent: Spiritus Sanc-  
tus ubique innuens rectè de Dei bonitate, sanctitate, justitia etc. homi-  
256 nes statuere, quae ratio natu|ralis de Deo credenda docet. Licet enim  
Deus longè sit jure superior, quâvis creaturâ; attamen nihil Deo attribuen-  
dum est, nisi quod ex illo supremo jure agnito, Deo competit: et illud

supremum jus Dei rursus ratione naturali innotescit iis principiis, quae inter homines juris et aequitatis naturalis fundamenta faciunt. Et ego existimaverim nihil periculosius in religione doceri posse; quàm dicere multa à Deo fieri in quibus ratio humana nullam aequitatem potest agnoscere: hoc enim concesso, omnis rationalis cultus subvertitur: homines sibi usum sanae rationis interdicerere debent: imo ea agere et credere de Deo tenebuntur, quae bona et sana ratio credere vetat; et quibus fidem adhibere non possent, si modo conceptum explicum de re credenda  
 257 formare vellent. Et si meritò Pontificiorum sententia | de transubstantiatione falsi omnibus suspecta est, quia ea docet quae mens et ratio humana necessario tamquam impossibilia judicat: non etiam illi sunt iniqui rerum aestimatores, qui semper in exponendis articulis fidei ad id attendendum putant, nequid doceatur quod contradictionem implicet. At non tantum id se ipsum subvertit, quod in principia physica incurrit; sed quod fundamenta disciplinae moralis subvertit. Loca autem Scripturae, quae juxta principia aequitatis naturalis humanae Deo aequitatem attribuunt, aut iniquitatem ab eo remouent, pene infinita sunt. Vide Rom. 3, v. 3, 4; cap. 9, v. 13, 14; Heb. 6, 17; 2 Chronic. 19, v. 7. Vide etiam Rom. 2, v. 2; Heb. 6, v. 10. Plura addere frustra foret, cum passim et ubique in Sacra Scriptura extent.

*Dantur quaedam mendacia, quae peccato  
 carent: quamvis ea improprie mendacia vocentur*

258 Et id quod de mendacio statui|mus in praecedentibus, fortassis apud multos, nisi Scriptura in subsidium vocetur, fidem non inveniet. Diximus id propriè mendacium vocandum, quod in Scriptura damnatur, et inter homines vitio vertitur, quo proximi jus violatur. Eph. 4, v. 25, sic ait Apostolus: *itaque abicientes omne mendacium loquimini veritatem cum proximo: sumus enim alii aliorum membra*. Reddit rationem Apostolus quare à mendacio abstinendum sit, quia scil. alii aliorum membra sumus: et ideo in bonum commune totius corporis consulere debemus; non autem quisque sua privata compendia quaerere in fraudem proximi sui. Si quis itaque mendacio id efficiat, ex quo injuria nulla oriatur proximo, ei dictum aut factum contra animi sensum, quo proximo imponitur, in peccatum imputandum non est.  
 259 Quoties autem proximi | jus tali simulatione violatur, licet summum inde ad ipsum redeat commodum, qui erroris causa extitit, fraudis et mendacii etiam notam effugere non potest: ne quis putet nos hic aliquod patrocinium commodare velle mendacii officiosis. Nam si quaedam mendacia officiosa vitio careant, non ideo certè est, quia ea



verterunt in commodum illius qui iis circumventus est; sed quia ita tempestivè iis usus est amicus, ut citra alterius injuriam ea potuerit adhibere. Si dicas semper proximo injuriam fieri, quia nemo ultro sibi imponi vult, et ideo unusquisque declarat se amico suo id juris nunquam concedere, ut is suo iudicio reputans quid nobis ex usu sit, per fraudem nos inducat ad id agendum, ad quod per veram speciem adduci non potuissemus: resp.

- 260 Primò, quàm multae sunt personae, quae propriè | loquendo nihil juris immediatè in se continent, ut sunt infantes, amentes etc. quorum tutela, et aestimatio quae eorum commoda spectat, aliis commissa est, qui tamen illam curam commodè explere non possunt, nisi multa fieri imperent per qualemcunque eorum voluntatem, quorum custodiam susceperunt: et ideo tales jure fraudibus innoxii talium animum inducunt ad ea agenda, ad quae nunquam, si vera rerum facies oblata fuisset, devenissent. Quis crediderit illum se peccati reum facere, qui furiosi turbatum animum fictis promissis ad quietem componere studet? Aut qui medicatam potionem, quam infans haurire detrectat, gratam esse futuram infanti persuadere conatur, aut re grata poculi labra oblinet? Res enim eodem redit, sive
- 261 verbis sive factis alicui fallaciam struas. Deinde multi casus | eveniunt, in quibus aliquis meritò jure suo cessisse videtur, aut ipsi usus juris pro tempore, ex jure et aequo impeditur: sicut in prioribus tale exemplum adduximus. Neque periculum est ne quispiam hic plus licentiae quàm par est in proximi damnum usurpet: cum facile innotescat ex communi civium consensu, quantum quisque ea in re sibi indulgere debeat: et in proclivi mihi esset ex nostris principiis determinare limites, intra quos unusquisque se continere debet: quemadmodum in moderamine inculpatae tutelae Magistratus facile dijudicat, an is qui noxam depulit cum proximi internicione, justos limites praetergressus sit, intra quos publica potestas privatum quemque coërcuit.

- Deinde si quodvis dictum, aut factum, proximum per se in fraudem
- 262 inducens, mendacii notà tra|ducendum sit: nescio quo pacto illa loca Scripturae exponi debeant, quae docent Deum non raro hominum oculis falsa pro veris objecisse, à quo errore homo sese cavere non potuit. Vide Johan. 20, 14; Luca 24, v. 15, 16. Iis in locis dici non potest illos homines sibimet imposuisse, aut de objecto iudicium protulisse, à quo temperare debebant: nam alioquin iudicio sensuum fidendum non esset: neque negari potest, illos in errorem perductos falsà illà specie, ac tantundem factum fuisse, quasi aliquis per praestigia aliis technam et fraudem innoxiam machinatus esset. Attamen nemo dixerit in illis actibus aliquid fraudis contineri, quae lege Dei damnata sit. Si autem vox è coelo clamasset species illas veras esse, quas tamen fictas fuisse eventus docuit, mendacio

263 nunquam vacasset tale oraculum: id|que ideo, quia ea voce declarasset  
Deus se nolle hâc in re supremo suo jure uti, quo nonnunquam homi-  
nibus imponere potest sine veritatis suo detrimento. Si enim in talibus  
circumstantiis prolata sententia exitu suo carere posset, Deus verax non  
esset, et actum esset de omni religione. Et ideo est quare Deus sine veri-  
tatis et justitiae suae laesione, ejusmodi subditiua imagine et ficta specie  
homines nonnunquam illudere potest: perpetuâ tamen ludificatione in  
omnibus homines circumagere sine abnegatione sui ipsius non potest: ne  
quis existimet ideo omne iudicium sensuum in dubium vocandum esse, et  
incertum esse credat, cum Deus non semel hominibus falsa specie illuse-  
rit; num etiam eodem jure tunc utatur, cum aliquid credendum nobis pro-  
264 ponit. Nam si Magistratus sine dignitatis et veritatis suae | imminutione,  
aut subditorum injuria, falsum nonnunquam spargere potest rumorem:  
non sequitur eundem perpetuò id agere in rebus singulis, et populum pro  
risu et oblectamento habere posse. Sed haec parcò tantum delibanda hîc  
sunt, planior discussio alii loco debetur.

Adhuc unum locum adducemus. In Evangelio Johannis cap. 6, v. 5,  
sic inquit Christus Philippo, *unde ememus panes ut ipsi vescantur?* Addit  
Evangelista Christum hoc dixisse, ut Philippum tentaret. Nemo non videt  
haec verba esse signa viri dubitantis et pendentis animi: et sic ea accipi  
voluit à Philippo Christus: cui tamen jam decretum erat, quid ageret.  
Hic certè fallacia aliqua innoxia verbis Christi continebatur, et contra  
animi sui sensum et mentem loquebatur; peccato tamen caruit: quia sine  
265 laesione | juris proximi ad aliquid respondendum eum inducere voluit  
Christus: quale responsum exspectare non potuisset, si consilium suum  
latens aperuisset.

*Cuivis in statu primaevo licitum fuit totum universum subigere*

Diximus praeterea cuivis licuisse in statu primaevo totum universum sibi  
vindicare, et omnes homines uno imperio premere, si aliquis id sibi expe-  
dire judicasset. Quintum decalogi praeceptum jubet liberos obedientiam  
praestare parentibus: ergo vi istius praecepti Adamus in omnes nepotes  
imperium habebat. In liberos, immediatè ex se oriundos, tale jus habuisse,  
nemini dubium esse potest: in nepotes tantum juris habuit, quantum  
sibi reservavit in filios. Si enim judicasset sibi expedire, liberos acerbè et  
duriter sub conditione servili retinere potuisset: atque adeo omnes à se  
266 oriundi, vel longissima serie, in eandem servitutem nati fuissent. | Finga-  
mus Adamum isto jure usum fuisse, et vitam suam in multa secula produ-

xisse, et ejus posteros, ipso vivente, per totum universum sparsos, omnia mundi loca coloniis obsedis: hîc habebimus unum totius universi dominum, qui sine ulla praevaricatione in Dei legem, totum universum ejusque incolas sub jugum misit. Non itaque repugnat justitiae, unum aliquem in totum universum et super omnes imperium suum extendere.

Iubet lex Dei me diligere proximum, sicut memet ipsum, ita ut etiam secundum legem Evangelicam unusquisque sibimet sit proximus, neque teneatur sub tam dura lege ei succurrere, per quam sibi ipsi acerbam conditionem paratam videt. Fingamus jam rursus Adamum suos posteros emancipasse, nihilque juris sibi in eos reservasse praeter reversionem paternam sibi debitam: finge idem institutum secutos esse omnes nepotes: eosque tamquam sui juris considera, et nullis omnino pactionibus inter se devinctos; non debebunt illi ex praescripto legis sibi invicem alia mutua officia, quàm quae lege charitatis imperantur. At quemadmodum in legem illam is praevaricator non est, qui possessionem rerum sibi reservans, gratuitâ benevolentia proximi paupertatem sublevat: aut qui modis omnibus legitimis totius orbis divitias per mercaturam in suam urbem confluere facit: licet aliter evenire non possit quin reliquorum deterior inde fiat conditio: aut sicut, quando necessitas duas nationes ad bellum ab utraque parte justum compellit, ea natio quae bello superior est, non peccat, si devictae genti duras leges imponat: quas tamen necessarias reputat ad reipublicae suae fundatum statum tuendum: sic pari jure is à tyrannide liber erit, qui nihil proximo suo praeter communia charitatis officia debens, ea in proximum usurpat, quae saluti et conservationi conducere, et beatiorum suum statum reddere posse putat. Has rationes et argumenta ulterius non deducam, cum in praecedentibus etiam earum sit facta mentio.

Atque ita huic epistolae finem impono: tulit me longius tibi satisfaciendi, meaque probandi ardor. Si voti metam attigero, et opinionem meam à noxio errore, atque Clarissimi Hobbaei aestimationem à turpi nota vindicaverim, qui jam incipiebat venire in dubium de nomine suo, praepostero quorundam zelo, non poenitebit suscepti laboris: si excidam scopo, conservabit me in tranquillitatis sede conscientia mea, quâ unico veritatis investigandae amore, et studio eam in aperto ponendi me ad scribendum animum appulisse scio: quae cum nemini fraudi esse debeant, non est quod metuam, aut hanc epistolam tibi minus gratam, aut mihi ignominiosam futuram. Vale.

FINIS



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